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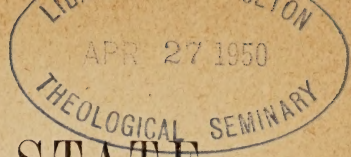
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CONTAINED IN HIS TREATISE

“DE STATU RELIGIONIS.”

BY

WILLIAM HUMPHREY,

PRIEST OF THE SOCIETY OF JESUS.



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THE RELIGIOUS STATE.

CHAPTER X.

THE VOW OF OBEDIENCE.

I.—IS A SIMPLE VOW OF OBEDIENCE GOOD IN ITSELF?
AND IS IT OF COUNSEL?

As with other counsels and vows, so with that of obedience. Heretics have rejected the counsel of obedience, and condemned a vow of obedience. They say that to promise obedience to man for the service of God, is superstitious and sacrilegious; while to promise obedience to him to whom it is otherwise not due, is a folly, and therefore evil. They argue that it is at variance with the law and ordinance of nature which made man free; and that a man sells himself into slavery who promises obedience to another.

But all this is plainly heretical, for those who so argue reject obedience, either as not good in itself, or because a vow of obedience is not pious and holy. If obedience is not only good in itself, but is also of the number of those better goods which fall under counsel, a vow of obedience must in itself be most good and pleasing to God. It is

in itself good to promise to God for His worship and service that which is better than the merely good, and which is more calculated for the attainment of perfection; and the more stable and the more sacred obedience is, the better will it be.

In speaking of obedience as it is the matter of a vow, we do not refer to that obedience only which is due to God and His precepts, nor to that obedience alone which is otherwise due to men who possess and exercise true jurisdiction or power to prescribe; for of such obedience it is evident that it is not only good, but necessary in order to avoid sin, and so is not of the number of those goods which are of supererogation and counsel. But besides this, there is another obedience by which a man subjects himself to the will of another with regard to things which are not otherwise prescribed, but which nevertheless may lawfully and rightly be done.

This obedience, as it is a subordination and subjection of one's own will to the will of another, is one of those goods of supererogation which fall under counsel; and, as offered for the service of God by special vow, is not only one of the evangelical counsels delivered by Christ our Lord, and one of the three vows by which the religious state is essentially constituted, but it is the chief of these, both by reason of the excellence of the matter which is consecrated to God (for while poverty offers to God external goods or riches, and chastity certain pleasures of the body, obedience offers to him the soul, the understanding, the will, the whole man as a holocaust), and by reason also of the greater extent of the

offering. By means of this vow a man subjects to God and offers all his riches, his pleasures and other actions, nay, and his whole self with them, to His perpetual worship and service. Hence St. Augustine calls obedience the greatest of virtues, and the origin and mother of them all.

It is evident that the mode of the Apostles' following of Christ included a *special* obedience over and above the *general* obedience of the precepts; for how could they have been aggregated with Him into one body, unless there had been on their part subordination and obedience, without which there must have been confusion and anarchy? This is manifest from their very name of *disciples*; and, moreover, Jesus said to them,—“ You call Me Master and Lord, and you say well, for so I am ” (St. John xiii. 13). They recognised Him as in a *peculiar* manner their superior, and He *sent* them on missions, and gave them *special* precepts. He called them to follow Him by a special manner of life and institute, in which He was to command and they were to obey.

This obedience, or following of Christ by the Apostles, was also stable; so that, their consent to it once given, they could not draw back. “ No man,” said Jesus, “ putting his hand to the plough and looking back, is fit for the kingdom of God ” (St. Luke ix. 62). Their leaving all things shews their purpose of perpetual perseverance; and the command of Jesus,—“ Go and preach the Gospel,” and His promise,—“ Come after Me, and I will make you fishers of men,” indicates the work not of a day but of a lifetime.

This stability and necessity arose not solely from a

special and positive precept of Christ, but from a voluntary *profession* of obedience *on their part* which included either an explicit or an implicit *promise of permanence* in the same.

The holy doctors have always understood that what Christ did and said with regard to this matter was intended, not only for the men of his day, but to be an example and instruction for all time; and they have taught that an obedience like to that of the Apostles is laudable, and may be consecrated by vow.

This is so, not only with regard to the obedience of religion, in which many members are congregated under one head who represents Christ, but also with regard to obedience outside the religious state, a vow of which is laudable and binding. Although a special approbation of the Church is necessary in order to the religious state, strictly and properly so called, yet it is not necessary for every mode of life which in some manner partakes of the nature of that state, or imitates it. He who vows obedience delivers and subjects himself to another whom he thereby constitutes his superior; and thus obedience becomes possible. It is not necessary for this that a superior so constituted should have power derived to him from the Church, because it is not by power of jurisdiction, but by *dominative* power, that he is to prescribe; and this power he can receive privately from him who makes the vow. It is not necessary that he should have any public or authoritative approbation, for a vow of this kind is not public, but private. It is sufficient that in the exercise of prudent judgment, or with moral probability, the

person selected should be considered apt and able, and such as that one may commit to him the care of one's soul by a special obedience.

As a rule, such a vow is more safely made to some one who has a pastoral charge in the Church, such as a bishop, or a prelate of some approved religious Order, or a parish priest, or a discreet confessor. In this last case it will be safer to make the vow with reference specially to one individual confessor whose virtue and prudence are proved, than generally and with reference to any confessor whatsoever. We have not now to discuss the dangers which from circumstances may sometimes accompany such a vow : suffice it to say that the act, if prudently done, is in itself good and religious.

II.—HAS A SIMPLE VOW OF OBEDIENCE CONJOINED WITH IT A PROMISE MADE TO MAN ?

A vow of obedience may be made with a double promise, or with one only, at the will of him who makes it.

When the promise is twofold, a transgression of it involves two distinct species of malice : *sacrilege*, as against the vow, and *unfaithfulness* or *injustice*, as against the human promise. By such a promise there are constituted two distinct debts, either of which suffices that the violation of the promise should be morally evil, and contrary to a distinct particular virtue. If there were merely a human promise, there would be no sacrilege, but only unfaithfulness ; while, if there were a vow alone, without a promise to man, there would be

sacrilege only, without unfaithfulness. If there is both a vow and a human promise, there will be the twofold malice of sacrilege and unfaithfulness.

Obedience may be promised by a promise made to man alone, without any vow. Such a promise, if it is accompanied by a vow, materially falls under the vow, and is confirmed by it. A man may, however, content himself with a promise, without the addition of a vow, which is purely voluntary, and has no necessary connection with the promise. A promise induces obligation, although an obligation which is inferior to that of a vow. The promise of a sacred thing, if made to man and not to God, is not a vow; for the proper notion of a vow is derived, not from the matter which is promised, but from the nature and character of him to whom it is promised. If, therefore, one promises obedience to a man in spiritual things, or in things pertaining to personal perfection, but does not make such promise to God, it will not be a vow. Although this in practice may rarely happen, it is nevertheless possible, and depends entirely on the will and intention of him who promises.

Obedience may, on the other hand, be promised solely by a vow made to God, and this even if a man is to be obeyed in virtue of that vow; for the matter of the vow is not the *promise* made to a man, but the *obedience* to be paid to him for the future. In order that one man may prescribe to another, and oblige him to obedience, a vow to God to obey that person will suffice; for the obligation arises not from the dominion or jurisdiction of him who prescribes, but immediately from the simple

obligation of fidelity to God, which is religion. He who prescribes in this case only applies the matter of the vow; and when the matter has been placed within the sphere of the vow, the obligation of the vow urges. In order that he may not only do this, but also exact and compel observance, either there must be a promise made to him, or he must otherwise obtain jurisdiction.

III.—TO WHAT DOES A SIMPLE VOW OF OBEDIENCE BIND HIM WHO MAKES IT? AND TO WHAT MATTER DOES IT EXTEND?

The idea of the obligation of a simple vow of obedience, and the limitation of its matter is, with due proportion, to be taken from what is true of obedience generally, or of religious obedience.

In the first place, there are to be understood certain common conditions, such as that the vow should concern a thing which is at once possible and good in itself, and which also does not stand in the way of a greater good, as, for instance, does matrimony, or a promise not to embrace the religious state, or to enter a more lax instead of a stricter Order.

The matter of a simple vow of obedience made outside religion is always limited as regards the variety, number, perfection, and difficulty of the works prescribed, with proportion to the person who makes it, his state, and the manner of life which he professes. This proportion, in his case, takes the place of the Rule which is the limit of the matter of religious obedience. Hence such a vow does not include any obligation to

change his state, if such a change should be prescribed to him by the person to whom he has vowed obedience. If his state should be changed, as, for instance, by matrimony, the obedience is to be regarded as promised during the continuance of the state in which it was promised, except in so far as it can be observed in the new state, and in accordance with that state.

A simple vow of obedience has no necessary connection with the other vows of poverty and of chastity ; for the matter of these vows is not necessarily connected with its matter, and the promise is in the case of each of them voluntary, or dependent on the will of him who makes it.

Generally speaking, all persons, whatsoever their condition, may make this vow, because the obedience is always understood to be in accordance with the condition of the person, and not to interfere with any greater obligation which has been already contracted. The persons who are best suited for such vows are those seculars whose lives and actions are entirely at their own disposal and under their own control, and who lead the celibate life. Religious have already their own proper and more excellent vow of obedience, which is sufficient for them, although, absolutely speaking, this vow may be added to. Those who are subject to the power of another, such as children and servants, have less need of this vow and are less suited for it, since they already have a rule and owe to it obedience. They are not, however, entirely incapable of such a vow, since in those things which belong to the welfare and perfection of their souls they have control over themselves,

and are not bound in all these matters to obey their masters or parents, but are free as regards those acts of piety which do not interfere with the rights of these their natural or conventional superiors. They may, therefore, promise obedience to some spiritual father; and he can act upon it only in so far as this may be done without prejudice to master or parent. The rule is the same in the case of a wife with regard to her husband, and even in that of a husband with regard to his wife; for, although he is not subject to her, he nevertheless has his duties towards her; and for this reason we have said that the celibate life is the best suited for this kind of vow.

Even the Supreme Pontiff is not incapable of such a vow, because, although he is supreme as regards ecclesiastical jurisdiction, and, therefore, cannot, so far as relates to it, become a subject, especially as regards external, that is, non-sacramental jurisdiction, yet he may bind himself by vow to some mode of action, because such an obligation is made to God. Obedience in this case does not require jurisdiction, but is made, as we have seen, by *application* of the *matter* of the vow or the placing by another, who has power to do so, of certain matter within the sphere of the vow, so that the vow should fall upon that matter. Nor is such a vow unbecoming, especially if there is excluded all *dominative* and *coercive* power, which certainly would seem to be inconsistent with the Pontifical dignity. We are now speaking, moreover, not of a human promise by which power is given, but of a simple vow to God. He who is superior by one title may be subject

in another *forum*, or in another manner. The Pontiff, although absolute and supreme Pastor in the ecclesiastical *forum*, is subject to his confessor in the *forum* of penance ; and in like manner he may subject himself by promise and vow, especially as this is not properly *subjection*, when apart from jurisdiction and dominative power. The same holds good in the case of a bishop, and generally in that of every superior, always with due proportion to his state, and nothing intervening which may be inconsistent with his office and jurisdiction.

Finally, under the matter of a simple vow of obedience *all* works of virtue are not comprehended, even if they should not be directly inconsistent with the state of the person who makes it, but only foreign to and lying outside that state.

IV.—WHAT KIND OF SIN IS DISOBEDIENCE ? AND IN WHAT WAYS CAN THE OBLIGATION OF OBEDIENCE BE EXCUSED, OR CEASE ?

The will of a superior (and by a superior we here mean any one to whom obedience has been promised) may be manifold. It may be one of *simple complacency* or *desire* that a thing should be done, and may amount to no more than a *wish*. This is inefficacious, and does not suffice to *obligation*, and consequently to cause *sin* by non-fulfilment. Even an absolute and efficacious will in a superior may be twofold. It may refer to the action only, as,—“I will you to do this,” or formally to the obligation, as,—“I will *to oblige* you to do this.” These two wills are so distinct that in

making laws the first will is not necessary, nor does it suffice in order to obligation; while the second is both necessary and sufficient. When God by a precept *obliged* Abraham to sacrifice his son, He did not absolutely *will* that he should sacrifice him. Nay, rather, He willed that he should not do so, but He *willed to oblige* him to execute the precept unless it should be recalled. God may efficaciously *will* a man to be a religious, and yet not *impose* this by way of precept. When, on the other hand, He prescribed to Adam that he should not eat a certain thing, He absolutely and efficaciously *willed* him *not* to eat it, as well as willed *to oblige* him not to eat it.

When this last will, namely, of obligation, is sufficiently signified it suffices in order that the vow should oblige, and that disobedience should consequently be a sacrilege against the vow. There must be *preceptive will*, which is—not a *will of the work*, but—a *will of obligation* to do it. Although, in the case of a vow of simple obedience, the superior has not proper jurisdiction or dominion, yet inasmuch as obedience to him has been vowed, he is constituted by his subject as in the place of God to exact this debt; and until he exacts it *as a debt* he does not apply the obligation of the vow; and he does not exact it as a debt until with sufficient clearness he makes manifest his *will of obligation*.

Again, in him who makes a vow of obedience we distinguish a *purpose of doing* from a *will of obliging himself to do*; and it is not that purpose but this will which is necessary in order to the vow. So when one promises

obedience, although he has a will of obliging himself to obedience, yet as regards the obligation of the work to be done by obedience, he remits it to the will of him to whom he promises obedience. He therefore intends to oblige himself then only *when the other shall have the will to oblige him.*

An action which is not prescribed with a will of obligation is not thereby deprived of all the *value of obedience* or religion. St. Thomas distinguishes a two-fold obedience, one which is necessary and cannot be avoided without sin, namely, when one obeys in those things to which one is obliged; and the other which is perfect, as when one obeys in all things lawful. He regards, therefore, obedience as wider than obligation, and holds that perfect obedience does not wait for obligation. Although the will to do a thing which has not been prescribed does not appear to have the proper proximate matter of obedience, it has nevertheless a certain relation towards the precept and the vow, either inasmuch as the action has been enjoined by one who has power to prescribe and constitute it under the rigorous obligation of the vow, or inasmuch as it is done chiefly from the motive that it will redound to the greater religiousness and observance of the vow, as having in it, so to speak, a trace and insinuation of obedience.

In order that a sin of disobedience should be mortal, grave matter is required; the will of the superior gravely to oblige does not suffice. Supposing grave matter, if

the superior should sufficiently declare his will to oblige as far as he can, there will be a concurrence of all things which are necessary in order to obligation under mortal sin.

The intention of him who prescribes is chiefly to be gathered from two things,—from the words of the precept, and from the grievousness of the penalty which is annexed to it. This latter sign, however, has no place in the present case, for he who has power to prescribe derived only from the simple vow of another has no jurisdiction over him, so as to enable him to annex to his precept the grievous penalty of excommunication, suspension, or the like. His words alone have therefore to be considered. By the common and received usage of religious Orders, if a superior prescribes in simple words, even although the matter should be grave, he is not held to will to oblige under mortal sin. He is supposed then only to will to oblige under mortal sin when he prescribes—“in virtue of obedience,” or in equivalent words, whereby he sufficiently signifies his will to oblige as far as he can. Since a private vow of obedience is rare as well as private, there is no proper usage, or habitual and well-known custom, from which a similar judgment might be gathered; and therefore the custom of religious Orders is to be applied to it, inasmuch as it is made by way of some imitation and participation of the religious state.

In considering the question whether peril of grave damage excuses from obedience, we must distinguish as to whether the peril is such that it is not of itself, or of its own nature, attached to the work prescribed, and so

not foreseen or thought of by the superior, or whether the precept has been given notwithstanding prevision of the peril.

In the first case it is certain that the subject is excused by reason of the peril, since under such circumstances positive precepts do not oblige, nay, nor do many natural precepts, and especially affirmative precepts; and also because no one when vowing obedience intends to bind himself at such a risk; and if he should intend this, his intention would be rash and most imprudent, and therefore insufficient to induce any obligation in conscience. For the same reason there is not presumed to be in him who prescribes the will to bind in such a case, and even if he should have the will, it would be inefficacious as being rash and therefore as unjust.

In the second case, a man, as a rule, cannot of direct intention bind his subject by precept to do something at the probable peril of his life, especially in the case of private precepts which are not ordained towards the common good. In this latter case there is a further reason, for the superior has no jurisdiction or proper right and, as it were, internal dominative power, but only applies the obligation of the vow. Sometimes, by reason of a grave cause, a human precept may bind, even at the risk of life, but the goodness of the action and the gravity of the cause will not suffice unless adequate power exists in the superior. As the power in this case flows proximately from the will and intention of him who makes the vow, there remains the question whether he willed to give to another man so great a power over him, and intended to bind himself to obey under such circum-

stances. His state or office, however, has to be taken into account ; for if a man should have vowed obedience to the prefect of a hospital for the care of the sick, and should be told to serve a particular patient with peril of contagion, it might reasonably be conjectured that such an act fell under his obligation ; whereas if in vowing obedience he had professed a very different life to this, there would be no reason for supposing that he had willed to bind himself to such a peril.

As a simple vow of poverty, so also a simple vow of obedience may be dispensed by the bishop. This is not because it is less, for it is more noble than a vow of chastity, dispensation of which is reserved to the Supreme Pontiff ; but the latter is as a rule of greater advantage, and more necessary in the Church, and it is also more common.

A superior cannot annul a vow by way of dispensation, for that is always an act of jurisdiction ; but by subtracting the matter of the vow he might put a stop to the exercise and necessity of obedience, namely, by not commanding anything, for this lies within his power and depends upon his will. The vow would not then, however, be annulled, and he who made it would always remain bound, so that if the superior should will to command he would be obliged to obey. It must, however, be ascertained whether he to whom obedience was promised bound himself in any way to the care of the other's soul, for in that case he could not lawfully abstain entirely from prescribing such things as should be necessary in order to the other's salvation, or greatly becoming

his state. If, however, he had neither been compelled by a superior to assume this burden, nor bound himself by vow to God but only by promise or human covenant, he might lay down his office and charge, the other consenting and ceding his right to be commanded, and so the quondam superior would be free from all obligation.

V.—IS A VOW OF OBEDIENCE SOMETHING WHICH IS DISTINCT FROM RELIGIOUS TRADITION? AND WHAT DOES IT ADD TO SUCH TRADITION?

It is certain that in the religious state there is a true and proper vow of obedience, for it is not only one of the three vows which are of the essence and substance of that state, but among these vows it holds the first place.

This vow is something formally distinct from the tradition or delivery of one's self to religion, which is included in religious profession. A promise and a tradition differ in kind. A promise, taken rigorously and properly and with reference to the same thing, includes negation of tradition; even as the future, as such, includes negation of the present, or as right *to* a thing includes negation of right *in* the same thing. Hence a vow cannot in its intrinsic idea include tradition properly so called. It is of the essence of a *vow* that it should be a *promise*, while *tradition* is a *donation*.

Again, looking to the persons to whom both are made, a vow is made immediately to God, while tradition is made immediately to the religious Order to which the religious gives himself, and of which he is made a

member. Hence these actions and the bonds therefrom resulting are formally distinct; although the one may as it were inform, and in its manner perfect the other. Take the case of the gift of a chalice to a church, as compared with a vow to give it. The donation is made immediately to that church, while the vow is made to God; and therefore in virtue merely of the vow the church does not acquire a right as it would acquire a right by means of donation. Hence an evident moral distinction between these two actions. Further, looking to the effects of both, by means of the tradition the Order acquires a proper right and, as it were, dominion over the religious; while, by means of the vow, a right is acquired not to the Order but to God; for a vow, as a vow, obliges to God alone. By his tradition or delivery of himself accepted by the Order a man is incorporated into the Order, and is made one body with it, and thus there is begotten a relation of identity, and of mutual obligation by mutual contract; whereas, by a vow of obedience none of these effects is produced, but only an obligation to God. Tradition of one's self and a vow of obedience are therefore formally distinct.

In order to perfect evangelical abnegation, both are required, for in order to such abnegation two things are necessary. One is that a man should despoil himself of his dominion over himself and his own will. The other is that he should offer this in its entirety as an holocaust to God, and consecrate it to His religious service or worship. The first is done proximately by tradition, and the second is done by a vow of obedience; and so both are necessary.

A man does not deprive himself of his natural dominion over himself except in so far as he transfers it to another ; for he cannot belong to no one, and if he is not under the dominion of another he remains master of himself. In order, therefore, to that religious self-abnegation which is required by the religious state, and which the holy Fathers call a sacrifice and holocaust, he must deliver himself to another. This abnegation, as regards abdication of his own right over himself, is proximately, and as it were formally, made by his tradition or delivery of himself to the Order.

As tradition is not, properly speaking, made to God immediately and in Himself, but to man,—although sometimes, as in religion, to man in the place of God, for the dominion which is transferred by tradition cannot be transferred to God in Himself but in man or by man,—abnegation, as it is an abdication of one's own right or dominion over one's self, cannot be made save by a tradition which is made immediately to the religious Order.

This tradition made proximately to man is by the vow of obedience, as it were, specified and exalted so as to be a religious tradition, and a spiritual holocaust offered to God Himself.

A man would not be bound by a religious and sacred obligation to fidelity in this tradition, unless there should have been added to it the vow of obedience, which is the proper religious bond by which the tradition is consecrated to God.

VI.—HOW MANIFOLD IS THE MALICE OF DISOBEDIENCE
IN A RELIGIOUS?

The malice of disobedience in a religious is twofold, it being against religion by reason of his vow, and also contrary to the covenant which was entered into by him with his Order. The one is the malice of *sacrilege* against God; the other is that of *injustice* towards man. Disobedience does not constitute a special malice unless it is formally intended from contempt of the superior as such, or of his power.

VII.—DOES A VOW OF OBEDIENCE BIND HIM WHO MAKES
IT TO OBSERVANCE OF THE WHOLE RULE?

The matter of a vow of obedience may be either a law, or written constitution, or a transitory precept imposed by man. This last is what is more expressly promised by the vow. The necessity of a vow of obedience in religious bodies springs from the necessity which exists in every human community, that there should be in it some superior whom the others should obey, since otherwise there could be in it no order but the greatest confusion and anarchy. This obedience in a religious body must be confirmed and consecrated to God by vow. The matter, therefore, of a vow of obedience in religion chiefly consists of the precepts or mandates of superiors. The kind and measure of obligation which it induces will be afterwards considered.

The Rule, or observance of the Rule, is also con-

tained under the matter of a vow of religious obedience. The vow of obedience, however, does not add to the Rule obligation under mortal sin, unless in the Rule itself this is either supposed or expressed.

A vow of obedience may in two ways add grave obligation to observance of the Rule. First, when in the Rule there is expressly exacted the debt of the vow by the words,—“In virtue of holy obedience,” or others equivalent. Secondly, when the matter is of itself sufficient to induce such obligation, and the intention and will of him who prescribes is sufficiently manifest, even without the words,—“In virtue of holy obedience,” from some other declaration, or from the custom of the Order, or because the precept is given under pain of the greater excommunication *ipso facto* to be incurred.

The Rule may in two ways oblige under venial sin only. First, from smallness of matter, so that the superior cannot oblige under mortal sin, even if he should have the will to oblige as far as he can. Secondly, from direct intention, when the superior does not will to oblige more gravely, even if, looking to the matter, he had power to do so.

If the Rule itself obliges under venial sin either by reason of its matter or from the intention of him who prescribed it, then the vow of obedience adds another obligation also under venial sin, although venial sin of a higher species as contrary to a more excellent virtue.

When the Rule does not of itself oblige under mortal or venial sin, the vow of obedience does not add either obligation, because a Rule which of itself induces no obligation in conscience is not a true and proper *precept*

such as is required in order to the exercise and obligation of the virtue of obedience. This is what the authors of religious Rules mean when they declare that it is not their intention that their Rules should oblige under either mortal or venial sin. Their intention is to exclude that sin which might arise from the vow of obedience. This is within their power, because they can prescribe or not prescribe but simply make manifest their will or counsel, which is a very different thing.

Besides the vow of obedience there might be made a vow to observe the Rule, and this would immediately oblige to such observance. Such a vow would be more general or wider in its extent than a vow of obedience ; as a vow to do everything good in itself which another might say or will would be wider than a vow of obedience. Were such a vow made, namely, to observe the Rule, it would add an obligation in conscience even to those Rules which of themselves carry no such obligation, since it would truly and properly fall on them as on part of its matter. The breaking of any rule would in such case, says St. Thomas, be a mortal sin, unless rendered venial by smallness of matter. As matter of fact, there is no such vow in religious profession ; and were such a form of words used in making the vow of obedience as—"I vow to observe the Rule," it would be limited by the intention of him who made it to mean—to observe the Rule as truly and properly *prescribing*, and as regards those things only in which *true obedience* has place.

There is no proper religious Rule which does not oblige *in conscience*, at least as subjecting its trans-

gressor to punishment or regular discipline, which he is bound in conscience to endure ; for this mode of obligation at least is necessary in every law.

As a transgression of the Rule, even when it does not oblige in conscience, is an imperfection contrary to the virtue of obedience (because in that case the obedience does not extend to that which is best and most becoming, which is to conform not only to the precept, but even to the simple will of the superior) ; so also the same transgression is in a religious man an imperfection contrary to the virtue of religion and his vow. Although he does not absolutely break his promise, he in a manner deviates from its more perfect observance, and he is to some extent disposed more easily to break it, at least in some small part thereof.

VIII.—DOES A VOW OF RELIGIOUS OBEDIENCE BIND HIM WHO MAKES IT TO OBEY THE SUPERIOR IN EVERYTHING WHATSOEVER WHICH IS IN ITSELF GOOD ?

The matter of obedience is twofold—remote and proximate. The proximate matter of a vow of obedience is the precept of the superior. The remote matter is every thing or act with regard to which the superior has power to prescribe.

As regards the first, as we have seen, every precept of a superior, whether given by way of law, or given only as a personal command, whether obliging under mortal or under venial sin, is matter of the vow of obedience, either grave or light. It is supposed, however, that the precept

should be valid, otherwise it will not be true matter of the vow of obedience.

Two things, besides the will to prescribe, are necessary in order to the validity of a precept, namely,—*power* in him who prescribes, and *matter* capable of being prescribed.

In a religious superior there exists a threefold power to prescribe, namely,—power of *jurisdiction* given by the Supreme Pontiff,—*dominative power* which he possesses in virtue of his subject's tradition of himself, and—power arising from his subject's *vow*.

Only those things which are good in themselves can be prescribed by man ; and by such things we mean all actions which are not evil, and which may be useful towards a good end, even if objectively they are in themselves indifferent. Whatever is not manifestly bad is to be esteemed good if it is prescribed by the superior ; since as regards matters which are doubtful he occupies the better position, both as demanding his right, and because reason requires that he should have the presumption in his favour. Everything which is certainly at variance with the Rule is not matter of the vow of obedience, even if the superior should venture to prescribe it. Such a precept would not be valid or a true precept, as exceeding the power of him who prescribed it, which is to edification and not to destruction. This is also the case with regard to works which, although not absolutely evil, supposing that the Rule does not oblige under sin, are nevertheless imperfect if done in the religious state, and are hindrances to greater good. We are supposing that the superior has not lawful cause to dispense, for in that case he will not be prescribing contrary to the Rule.

All things which fall under the Rule directly, or which may be reduced to it, may be matter of the vow of obedience, if they are prescribed.

By his vow of obedience a religious is bound to obey his superior only in accordance with the profession of his Rule,—that is, within the limits of the Rule, as it comprehends all things which are either necessary or becoming or useful in order to perfect observance. The vow obliges according to its form and the intention of him who makes it; and in religious bodies obedience is not vowed absolutely and without limit, but according to the Rule of each Order. The common doctrine of the schools, of theologians as well as of canonists, is that a superior cannot oblige a religious to that which is entirely foreign to, or lies altogether outside his Rule. They, therefore, suppose that this is not comprehended under his vow of obedience.

There are certain exceptions to this doctrine, which, however, when rightly considered, are not really limitations of it. For instance, greater austerity may be prescribed in punishment of a fault than that which is ordained by the Rule; or it may be added by way of preventive for the future. Again, if a religious body should adopt Constitutions which are more austere than those which it had before, individual religious may be obliged to observe them, even if they have not given their consent to them, and were not professed in accordance with them. It suffices that the greater part of the Order, that is, of the General Chapter, should consent, even if a minority dissent. This applies, not when there is a total change, for that cannot be made without the

consent of all and every member—for no one can be compelled to change the religious state which he has professed, especially without his fault—but to an increase and perfection within the latitude of the same Rule and Institute.

A relaxation or mitigation of Rule may be threefold. Firstly, by way of dispensation and privilege; but this is a lawful moderation of the Rule, rather than its relaxation. Those who enter after such moderation cannot be obliged to the primitive Rule, either before or after reformation. They cannot be obliged before reformation, because they are not bound to it by their vow, which was made according to the lawfully mitigated Rule; nor can they be obliged by the Rule, which is not yet reformed but remains dispensed or derogated from; nor can they be obliged by the precept of the superior, for he can prescribe only according to the Rule. Neither can they be obliged after reformation, for no one can be bound to accept that which he has not either directly or indirectly vowed; and so they are not bound to accept the reformation.

Secondly, if the relaxation of Rule is made by the introduction of a custom which was sinful in those who originated it, but afterwards prevailed so as to have force of derogating from the Constitutions contrary to it, one cannot be obliged to observe the ancient rigour as against the present custom, because, while it subsists, such obedience would not be according to the Rule, the ancient rigour of which is not now in vigour but derogated from. Such observance, therefore, would not fall under the vow of obedience.

Thirdly, there may be a relaxation which is in itself and intrinsically evil, and cannot be affected by prescription or become good through any custom. This can occur only with regard to a matter which is contrary to the vows of religion, and which is so necessary that against it a custom of the whole Order could not prevail. Every religious observance which lies outside the vows, or beyond that which in an individual Order is explicitly or implicitly, directly or indirectly promised, is of only human constitution, and does not carry with it this necessity. A relaxation or custom against the substantials of religion can never prevail, for it is contrary to divine and natural law, since the vows oblige to observance of all that is of the substance of religion. If the relaxation should concern such things as are directly contrary to vow, even apart from a precept of obedience, there will always remain an obligation in virtue of the vow, with which the relaxation is inconsistent. If it should concern things which contribute not a little to the observance of substantials, even if the vows themselves do not immediately oblige to these, there will always remain in the superior the right to prescribe them.

IX. — DOES PERFECT EVANGELICAL OBEDIENCE REQUIRE
UNIVERSAL MATTER, WITHOUT ANY LIMITATION OF
RULE ?

In all human obedience there is necessarily a twofold limitation ; first, that that which is prescribed should not be bad, either intrinsically or by reason of the precept

or prohibition of a superior, against which the precept of an under superior cannot prevail ; and secondly, that the matter of obedience should not be contrary to the Rule, or to the state which is professed. It belongs to the perfection of this present life that a man should profess some stable state, in which he aims at some destined end, by means of which he may attain perfection. The obedience which he professes must therefore be in accordance with, or at least not at variance with his state and end ; for if so, it would destroy that state, and hinder rather than promote his progress towards perfection. Given this twofold moderation of human obedience, obedience is more perfect in proportion as it is more universal ; and that which is most universal will be objectively the most perfect.

Perfect evangelical obedience may fall not only on external, but also on internal acts, such as those of the intellect and will. Obedience is, says St. Gregory, a perfect holocaust by which a man immolates himself to God ; and in order that it should be entirely perfect, he must specially immolate to God his internal and not only his external acts, by subjecting them to his superior.

All religious bodies do not profess evangelical obedience in its most perfect form ; but it does not follow that the religious state, which is common to all, should not be the state of perfection. It is one thing to speak of the state of perfection essentially and absolutely, and another to speak of a perfect or most perfect state within that order, that is, in the school of perfection, or in the way towards perfection. To the essence of the state of

perfection, it is not necessary that every one of the counsels, or even the principal counsels, should be professed with the highest possible perfection. It suffices to profess them according to some prudent Rule, which is accommodated to some perfect end. A state of perfection which is perfect or the most perfect by universality of obedience is not due to every religious state; although a body which does not profess it so far lacks a greater perfection, and in this sense is, all things else being equal, less perfect than one which does profess it. The Apostles promised universal obedience to Christ, and paid the same to Peter after Christ's ascension, for they did not profess obedience according to any Rule, save that of charity and the greater divine service, in accordance with their office or the ministry to which they were called; and in this they were imitated by their first followers. Among those who profess obedience according to a certain Rule, St. Buonaventure holds that the Franciscans make a universal vow of perfect obedience, since in virtue of the Rule they are bound to all save what is contrary to it, or to salvation; and these two limitations are not contrary to the universality of evangelical obedience. The matter of the vow of obedience in the Society may with even greater reason be said to be most ample, as comprehending all things which are not contrary to good morals or to the Rule, and as directly extending to most difficult and arduous ministries, with the utmost dependence in the smallest matters upon superiors.

A Rule which should be universal in the sense that in all things otherwise lawful the superior was to be

obeyed even if they were contrary to the same Rule, would involve a moral contradiction; for what would be in one way built up would in another be pulled down.

X.—IS A MAN, IN VIRTUE OF HIS VOW OF OBEDIENCE, BOUND TO PERSEVERANCE IN THE SAME STATE? OR CAN HE BE OBLIGED TO EMBRACE ANOTHER STATE?

The religious state may here be considered as in comparison either with a state, or *quasi*-state, of an inferior order, such as the state of matrimony, or the state of the secular life generally; or with a state of the same order, such as another religious state; or, again, with a state of a higher order, such as the episcopal state.

It is certain that the obligation of religious profession is so perpetual that it is never lawful to desert it by passing entirely to the secular state. Although religious tradition, or the delivery of himself made by the religious to the Order, of itself suffices to induce this obligation, yet the vow of obedience also directly obliges to this; and so perseverance in the religious state, as excluding return to the secular state, is matter of this vow, as perseverance in chastity, as excluding entrance on the state of matrimony, is matter of the vow of chastity. The reason is, because by his vow of obedience the religious promises perpetual obedience, and so perpetual subjection either actual, as when an act is prescribed, or in disposition of mind; and he who abandons the religious state to pass to the secular state, denies as far as he can deny obedience and subjection, even in disposition of

mind, and so acts directly contrary to his vow of obedience.

It is also certain that to pass from the religious to the secular state is matter so contrary to a religious vow of obedience that it cannot be prescribed by any superior in virtue of the same vow ; and this, not only because such a precept would concern a thing which is unlawful, but also because it would be contrary to the vow itself, and directly destructive of the state of obedience.

Were the Supreme Pontiff, by reason of an urgent necessity of the Church, lawfully and validly to prescribe to a religious his return to the secular state, he would do so, not in virtue of the subject's vow of obedience, for he could not so prescribe that which is not the matter of religious obedience, but in virtue of his power of supreme jurisdiction alone.

For the same reasons it is unlawful, and contrary to the vow of obedience, to pass to an inferior Order, or even to one of equal perfection ; and to do this cannot be prescribed by any superior.

To pass to a more perfect Order is not the matter of the vow of obedience ; and can neither be prescribed nor prohibited in virtue of this vow. Such prohibition would hinder a greater good, and since a vow concerns greater good, this condition—that nothing can bind which is incompatible with a greater good—is always held as included in every vow. The obligation of asking the superior's leave to pass to a more perfect Order does not arise from the vow of obedience, but from the positive law of the Church. The will of the

superior is not necessary, and the religious may lawfully enter a more perfect Order even against his superior's will. The vow of obedience, therefore, does not oblige to ask leave, and the asking of leave is not an act of the virtue of obedience, but is an act of observance and reverence due to the superior, and as such is enjoined by ecclesiastical law.

It is forbidden to religious to accept their election to the episcopate without leave of the superior asked and obtained. If, without election, the Supreme Pontiff should immediately offer the episcopate to a religious, the religious will not require the leave of his superior to accept it. The Pontiff can, in virtue of his supreme jurisdiction, prescribe acceptance of the episcopate to a religious; and this whenever he judges it expedient for the common good of the Church, and even apart from the urgency of any extreme necessity. This precept, however, is not, and cannot be matter of the vow of obedience. The episcopate as such is not the matter of a vow, for although it is a good work and one of great charity, yet by reason of its adjuncts of honour, power and peril, and the great perfection which it presupposes, its voluntary profession or acceptance does not fall under counsel, but is, as a rule, better avoided when it is not prescribed. So St. Augustine and St. Gregory held. Moreover, the vow of obedience obliges only according to the Rule, and the episcopal state does not, as such, belong to regular life. The General of an Order cannot, and consequently no other superior can prescribe to a religious subject to accept the episcopate,

for it is not the matter of a vow of obedience ; and the jurisdiction of these prelates does not extend to a thing of this kind, which has no proportion with the matter of obedience and regular life.

A religious superior can oblige a subject to accept a regular benefice with cure of souls. But there is a great difference between this and acceptance of the episcopate, by which the subject is withdrawn from the obedience of his superior, and which is surrounded by many more and greater perils, and of which the superior cannot deprive him, as he can deprive his subject of a benefice. A superior cannot oblige his subject to accept a *secular* benefice, since it and its ministries lie entirely outside the regular life. Religious are sometimes compelled by precept of their superiors to fulfil the office of parish priests in the Indies, but this because the ministries of that office are by dispensation of the Pontiffs appropriate in these religious.

There is no sin in a religious accepting the Pontificate without the leave of superiors. In practice, the person elected is already a cardinal, and is, therefore, as such, exempt from the obedience of the Order. But even if otherwise, his acceptance is contrary to no positive law, nor is it against justice by reason of his donation of himself by religious tradition, since such tradition always includes the condition of a better and higher state, and especially of one which belongs to the good of the whole Church ; and, besides, the person of the religious would not by means of the Pontifical dignity be withdrawn from religion, but would remain

united to religion in a higher manner. Neither would he sin against his vow of obedience, for no religious, when he promises obedience, intends to bind himself under circumstances so special and extraordinary. Religious promise obedience according to the Rule, and this case cannot be said either to be according to the Rule, or to be contrary to the Rule, but is to be considered as outside and above the Rule, and as entirely of another and higher order.

XI.—WHO ARE THE PERSONS TO BE OBEYED IN VIRTUE
OF A VOW OF RELIGIOUS OBEDIENCE ?

In virtue of this vow man only has to be obeyed, or God as prescribing by means of mortal man. It does not bind to obey God prescribing by Himself, or by means of an angel or saint, or in any other extraordinary manner. It does not oblige to obey every man, but to obey him only to whom the religious has voluntarily delivered himself. Hence it does not oblige to obey the Church or its prelates as such, or prescribing in virtue of that jurisdiction alone which they possess either mediately or immediately from Christ.

The vow of obedience obliges a religious to obey all the superiors of his Order, each in his own place. Their power is one and has the same foundation, namely, the vow and profession ; but there is among them an order and relation of dependence, without which there would be confusion and perplexity. Obedience and subjection have not, therefore, equal reference to all superiors save in a due order, whereby the greater is always preferred

to the less. When a higher and a lower superior give contrary precepts, the vow of obedience obliges to the higher superior, passing over the lower. This follows both from the higher superior's power of jurisdiction, and from his dominative power.

Jurisdiction flows to a religious Order from the Supreme Pontiff, and is given with due order so as not to be conferred on inferior prelates except through their superiors, or at least with dependence on them. Hence a superior prelate may restrict the jurisdiction of an inferior prelate or revoke his precept, and, in that case, the obligation of the vow of obedience ceases with regard to the latter. When a superior prelate prescribes the contrary he thereby sufficiently revokes the precept of the inferior prelate. The jurisdiction of the latter is limited, either of the nature of the case or by the intention of the giver, so that it cannot extend contrary to the jurisdiction of a superior prelate. After the superior prelate has issued his precept, the contrary precept of an inferior prelate concerns unlawful matter, which is evil because forbidden. It must be clear, however, that there is a true contrariety between the precepts of the two superiors, for sometimes an inferior prelate has power of dispensing with regard to the law or precept of his superior, or of interpreting that under certain circumstances it does not oblige.

The *dominative* power of a superior flows from the voluntary delivery of himself by the religious, and his promise of obedience ; and the dependence and subordination of the various superiors follows on the lines of this delivery and promise. It is not the intention of the

religious to deliver himself or to promise obedience to many masters, as many, but as they are one. The dominion over him resides primarily in the whole Order to which his delivery of himself was primarily made; and from the Order it is communicated either to the highest prelate, and by him to the others, or immediately to these with dependence on the highest prelate, according to the various customs of different Orders.

The Supreme Pontiff has power to prescribe to religious in any matter which is capable of precept, and so in every matter with regard to which religious superiors may prescribe. He is no less an *ordinary superior* than the General of the Order is; and he is, in a sense in which the General is not, the *principal superior*.

The religious in making their vows intend to promise obedience to all the prelates by whom they may be governed in accordance with regular discipline, and among these the Supreme Pontiff holds the first place, and so to him primarily they promise obedience. Again, the Supreme Pontiff when he approves an Order takes it specially under his own care and patronage, and it is he who principally accepts the tradition and vows of the religious; and therefore he wills that to himself principally their promise of obedience and their tradition of themselves should be made. Even if this is not specially expressed in their vow, it is nevertheless to be understood. Finally, since the whole of the power which is possessed by any and every prelate is derived from the Supreme Pontiff, a religious could not possibly and consistently with order be more bound by his vow to

an inferior prelate than he is to the Supreme Pontiff, who is also the Supreme Prelate of his and of every other religious Order.

The bishop has power, in the case of religious who are not exempt from his jurisdiction, to prescribe and dispose even in matters which belong to regular life. Every bishop can, as regards spiritual government, do in his diocese all that which the Supreme Pontiff can do in the Universal Church, unless he is prohibited by the Pontiff. What the Pontiff can do in the case of religious who are exempt, the bishop can do in the case of those who are not exempt from his jurisdiction, as he is the *ordinary* spiritual pastor to whom the care of their salvation belongs more principally than it does to their own religious superiors. In virtue of his jurisdiction, therefore, the bishop can have care of religious discipline and observance, and can dispose and alter whatever the Pontiff has not reserved to himself, and is not beyond the Rule; and his precept is to be preferred to that of all inferior prelates, provided always that it is to edification and not to destruction.

Hence religious who are subject to the bishop promise obedience to him as to a true and principal prelate of their Order. Whatever the Provincial of an exempt Order can prescribe with regard to regular discipline in virtue of his jurisdiction, the bishop can prescribe in a monastery which is not exempt, and is therefore subject to his jurisdiction; and he can impose it under pain of excommunication. The Supreme Pontiff, of course, always retains his own *supreme* degree of

power over religious who are not exempt from the jurisdiction of the bishop, for it belongs to him of divine right. Hence when he exempts them he usurps nothing new for himself, but either retains the jurisdiction which he might have communicated to another, or transfers to the prelate of the Order that which he had previously communicated to the bishop. Religious, therefore, who are not exempt, have in their vow of obedience regard primarily to the Supreme Pontiff, and under him to the bishop; in the same way as religious who are exempt have regard primarily to the Supreme Pontiff, and secondarily, and under him, to the General or Provincial.

The local prelate, by whatever name he may be called, has, by the usage of all Orders, power to prescribe in virtue of obedience. This power exists in him as *ordinary* power, being possessed in virtue of his office, and necessary in every religious house in order to its government; and being ordinary, the power may be delegated, where delegation is not forbidden.

Abbesses and prioresses, or other superiors of religious women, have power to prescribe in virtue of obedience; for although they are not prelates as regards power of jurisdiction, of which, as women, they are incapable, they are superiors as spiritual mothers, and as possessing *dominative power*, which arises and is derived to them from the tradition and vows of their subjects.

XII.—CAN A SOLEMN VOW OF OBEDIENCE BE DISPENSED ?

A solemn vow of religious obedience can be dispensed along with religious profession; for inasmuch as by dis-

pensation of religious profession one becomes from being a religious not a religious, the person so dispensed is thereby set free from the vow of religious obedience. It could not be otherwise ; for the religious state being gone, the matter of the vow of obedience is also gone, since it was not obedience of any kind, but religious or regular obedience which was vowed.

Without dispensation of the religious state, the vow of obedience could not be entirely and directly dispensed, since it is of the essence of that state, and so could not be taken away while that state itself endured.

The Pontiff might dispense a religious so that he could lead a solitary and private life, free from all obligation of obedience to the prelates of his Order, while observing all other things which are of the substance of the religious state. He would not thereby, however, dispense his vow of obedience, but at most the normal exercise of it ; and the religious would remain always under the yoke of a special obedience, and bound by his vow in obedience at any rate to the Pontiff himself.

CHAPTER XI.

THE OBLIGATIONS OF RELIGIOUS.

I.—WHAT AND HOW MANIFOLD IS A RELIGIOUS RULE,
AND IN WHAT WAY DOES IT DIFFER FROM A RELI-
GIOUS CONSTITUTION ?

A RULE, says Isidore, is so called from this that it *rules*,—either as affording a norm of right living, or as correcting that which is distorted and depraved. It is otherwise and legally described as that which briefly expresses a law ; not as if the law were taken from the Rule, but as the Rule is composed from the law. The word sometimes signifies an instrument of art invented for the direction of certain acts ; and from this signification it is derived to signify a principle for the direction of moral actions. Among lawyers it is more frequently described as a brief and compendious precept collected from the law to be, as it were, a norm of certain actions. Hence in Canon Law a rule is commonly understood to be a law ; and, as Isidore says, a Rule in Latin means the same as a Canon does in Greek, and by common usage we speak of the canons as the canonical laws.

Nevertheless, the word Rule, taken even in this ecclesiastical sense, does not signify a rigorous precept which obliges in conscience, but *a simple ordinance*

which directs human morals. In this way it is applied to signify a religious Rule, as such a Rule in a stricter and more perfect manner directs the actions of religious. For this reason religious are also called *Regulars*, as persons bound to live according to a Rule. So also in old times certain clerics who lived in community and religiously were called Canons. They were afterwards called Regular Canons to distinguish them from Secular Canons, or Canons who are not religious. In the same sense nuns are called canonesses, that is, regulars, by St. Chrysostom.

Again, the term Rule is applied sometimes to any single ordinance or law, and sometimes collectively as signifying a norm of living in accordance with evangelical perfection. In this latter sense a Rule contains many rules, as these are understood in the former sense; and so we speak of the four religious Rules specially approved by the Church, namely, those of St. Basil, St. Augustine, St. Benedict, and St. Francis.

If the term *rule* is taken in its single sense, every religious *constitution* is a *rule*; but if it is taken collectively, the Rule of every religious Order comprehends all its Constitutions which, taken as a whole, present the norm of living which exists in that Order. When the religious promise obedience *according to the Rule*, the Constitutions must be taken as comprehended under it, otherwise the religious would not be bound to obey in accordance with them; and the Friars Preachers, for instance, would not be bound to a greater or stricter obedience than are the Canons Regular, if by the Rule

were understood simply the Rule of St. Augustine, which is common to both. In every religious Order, therefore, its own proper Constitutions are comprehended under the term of its Rule ; and in this sense there are not only four approved Rules, but as many Rules as there are approved religious Orders in the Church. There can be no religious Order without its own Rule, that term being understood as including its Constitutions, for otherwise it would have no ground of distinction from other Orders ; nor can there be an approved Order, without its Rule being approved, since the whole perfection and substance of the Order depends on its Rule.

In some religious Orders there is what is *par excellence* called the Rule, namely, a special norm, or collection of precepts delivered by the first founder, which is taken as the foundation of the Order, or of its mode of life. Such were the Rules of St. Basil, St. Augustine, and St. Benedict, and these were so brief as not to contain all that is necessary or useful in a religious community, but only its more principal and substantial ordinances. Hence to those Rules there came to be added certain Constitutions or new statutes suggested by the circumstances and necessities of the time.

Certain Rules also were in process of time accommodated to other religious ends, or to the same end but with different observances, in accordance with various vocations, or with the pious affections wherewith God inspired the founders or the reformers or modifiers of the several Orders. In this way various Orders are said to follow one or other of the Rules, inasmuch as they have taken it for a foundation, and added to it their

own proper observances and ordinances. These, to distinguish them from the primary Rule, they call Constitutions or Statutes. St. Francis took none of the three more ancient Rules as the foundation of his Order, but composed his own Rule, and obtained for it a special approbation. This Rule the various Orders or rather families of the Friars Minor follow. The Observantines, Conventuals, and Capuchins, while living under different Generals, have each their own Constitutions or Statutes as distinct from the Rule of St. Francis, which is common to all.

Hence we see how a Constitution differs from a Rule in those Orders in which the two are distinct from each other, for they do not differ as regards the obligation which they induce. The prelates of every Order govern their subjects according to both the Rule and the Constitutions; and they have power to prescribe in accordance with both in virtue of obedience. The difference between them is therefore only accidental as regards their origin; and inasmuch as a Rule is, as it were, general and common, while Constitutions are special and proper.

There are many approved religious Orders which possess no Rule as distinct from their Constitutions, and whose Constitutions form their Rule. This was not so up to the time of Honorius III., except in the case of the Carthusians, whose Statutes formed their Rule; but since his time they have been imitated in this by the Society which does not profess any one of the more ancient Rules, but has for its Rule the Constitutions which it received from its founder St. Ignatius, and which have been approved by the Apostolic See.

Hence, at the present time, there are many more than four approved Rules in the Church, and there is no greater approbation and no approbation of a different kind to be ascribed to the four more ancient Rules than that which belongs to the Rules of approved Orders which do not follow these, since all have been approved by the same Pontifical authority, and in the same terms.

II.—WHAT OBLIGATION DOES A RELIGIOUS RULE INDUCE?

AND HOW IS THE EXTENT OF ITS OBLIGATION TO BE ASCERTAINED?

The religious state may be considered in two ways,—either apart from ecclesiastical jurisdiction bestowed by the Pontiff on a religious community, or together with such jurisdiction; and in both ways may a religious Rule be considered. In the beginning of religious Orders we find the Rules instituted at first rather by way of instruction and doctrine, than by way of law; afterwards, by way of conventional statute, which is not properly a law, but has its force in virtue of mutual promise and covenant; and finally, when jurisdiction has been added by the Church, the religious Rule (comprehending the Constitutions and Statutes enacted by the Order itself in virtue of powers derived from the Pope), is confirmed so as to have the true and proper character of a law.

Hence a religious Rule imposes some necessity of operation, for this is of the idea of a law; and in this a Rule differs from a mere counsel. A religious Rule is not a mere counsel, for besides what it contains there are many other things which religious may do of counsel,

and, as St. Benedict rightly said, the whole of perfection does not exist in the Rule alone. A religious, nevertheless, who omits other counsels beyond those contained within his Rule, is not reckoned to be wanting to his state and office, while if, on the other hand, he neglects his Rule, he is held to fail of his obligation.

There exists in laws a twofold obligation,—an obligation under sin, and an obligation under penalty ; and a religious Rule may possess both obligations, for the jurisdiction of religious prelates is perfect, and extends both to direction and to compulsion. Apart from jurisdiction both obligations may exist in a conventional statute ; one an obligation of conscience in virtue of previous covenant and promise, and the other a liability to punishment on the same ground, although compulsion and exaction cannot be so rigorous in this case as where there is jurisdiction.

A law, and especially an ecclesiastical law, obliges sometimes under mortal sin, and so may a religious Rule, if such was its intention, and if the matter of it is sufficiently grave to be capable of so great an obligation.

Sometimes a rule may oblige under venial sin only, when its matter is not capable of a greater obligation, although there may be a question of terms as to whether such a rule merits the name of a precept or law, or is only a simple ordinance.

When, so far as the matter is concerned, a rule might be imposed obliging under mortal sin, the author of the rule might nevertheless moderate his intention, and cause it to oblige under venial sin only.

There might also be a rule which should induce no

obligation in conscience, even under venial sin, but only a liability to punishment. This suffices in order to the idea of a law, since it exceeds the idea of a counsel. It may be, and is called by many—a *merely penal law*.

Even this, however, necessarily involves some obligation in conscience, or is resolved thereinto, because without such obligation there would not exist the true idea of a law, and no true moral necessity would be induced. If such a rule imposes punishment on its transgressors, it binds them in conscience at least to endure the punishment, for it gives a right to the superior to punish a transgression which he could not justly punish unless the rule existed. It also obliges the subject in conscience to submit to the superior when he imposes the punishment, that is, not violently to resist him, if the punishment consists in suffering; or, if it consists in an action and is strictly prescribed, to perform that action.

Since these three modes of obligation are possible in a religious Rule, and since none of them is absolutely necessary in order to a religious Rule as such, and since the founders of the various religious Orders might have chosen one or other mode of obligation, it is difficult in considering a religious Rule to define the way in which it obliges, and it can only be said that it obliges in one of those three ways, and that to no one of them is it necessarily determined.

In order to know whether a particular religious Rule obliges under mortal sin, or under venial sin, or under penalty only, the words of that Rule have to be con-

sidered and weighed, along with the common view and custom of the Order.

We may, however, lay down certain general principles. There are four ways in which a religious Rule or Institute may declare or not declare the manner of its obligation. In the first place it may distinctly set forth that the mind of the Order is to oblige in virtue of a precept, as far as it can in accordance with the character of the matter.

Secondly, it may explain in the same way that it obliges under venial sin only, and never under mortal sin, in virtue of the Rule, save where by special words a greater rigour of precept is expressly declared.

Thirdly, it may in the same express manner explain that it does not oblige in conscience under any even venial sin, but only renders its transgressor liable to punishment.

And fourthly, without declaring any of these modes of obligation, the Rule may be given simply by ordaining, instituting or prescribing certain things to be done.

The first method appears to be that of the Rule of St. Francis, for wherever therein are found the terms "*prescribe*" or "*to be bound*" or equivalent terms, it is held to oblige under mortal sin. It is true that in the primitive Rule this was not set forth in these formal terms, but by the Pontiffs it has been so declared, and the custom of the Order has also so declared it, which is a sign that this was the mind of its institutor, and was so understood from the beginning. That Rule will therefore oblige under mortal sin, wherever it ordains by way of precept and when the matter is capable of so

grave an obligation. Other rules which do not contain these terms, will oblige in the manner to be explained under the fourth head.

There is then no religious Rule in which the first mode of obligation is universal, or applies to the whole of the matter which the Rule contains; and such a Rule would not be fitting, for, as St. Thomas says, the religious state would then be for religious a snare of mortal sin which could hardly, if ever, be avoided.

The second mode is more benign, more prudent for the avoidance of peril, and nevertheless sufficient as an invitation towards perfection. It contains two parts. The first is negative, namely, that the Rule does not oblige under mortal sin. This is sometimes declared without any exception, but sometimes also with exceptions, as, for instance,—unless some rule should contain the matter of a vow, when, although it will not, as it is a rule, oblige under mortal sin, it will so oblige in virtue of the vow; or, secondly,—unless some particular rule should expressly declare its own obligation to be under mortal sin. In this case, however, the words of that rule must be so express and clear as to be susceptible of no other interpretation. When there is a general declaration in the Rule that it does not bind under mortal sin, such simple terms as—“*they shall be bound,*” “*we prescribe,*” however preceptive they may sound, will not suffice to induce obligation under mortal sin. It is because of these and similar terms that the declaration is inserted; and otherwise it would have almost no effect.

It is necessary, therefore, that there should be added some special sign indicating the intention of the legisla-

tor with regard to a particular rule, that it should oblige under grievous sin, notwithstanding the foresaid general declaration. This sign, by common usage, is twofold. First, when there is added—"in virtue of obedience," there is then expressly signified that the act is constituted within the proper and rigorous matter of the vow of obedience, or that there is then and there exacted from the religious his proper debt of obedience, which debt of its own nature obliges under mortal sin. The second sign is when there is added the penalty of the greater excommunication *ipso facto* to be incurred. If this penalty is added only as *to be inflicted*, since this may be only a threat and means of compulsion in order to observance of the Rule, and not an obligation under mortal sin until the superior so prescribes, it will not be sufficient to override the general declaration. To do this there is required an absolutely certain sign, and one which is free from all exception whatsoever.

The second part of the declaration in this Rule is *affirmative*, namely, that it does oblige under venial sin. This may be declared in two ways, either explicitly or tacitly and presumptively. When it is explicitly affirmed the general intention of the institutor of the Rule is clear, although it may be doubted whether it extends to all and every special rule which the Rule contains. In a rule there are sometimes found mere counsels which have no obligation in conscience even under venial sin, and the declaration is not made in order to the imposing of an obligation, but in order to its limitation where otherwise it might have seemed to be more grave, either in virtue of the terms of the Rule or by

reason of its matter. However grave the matter of a rule such as we are considering may be, its obligation is under venial sin. Although it may be greater in proportion to the gravity of the matter, it remains always however within the limits of venial sin.

The obligation is declared *tacitly* or *presumedly*, when obligation under mortal sin is denied, but obligation under venial sin is not explicitly affirmed. The presumption will be more evident if in the Rule there is expressly supposed *obligation in conscience* with regard to its matter generally.

The third mode whereby the obligation of a Rule is declared is when it is expressly set forth that it obliges neither under mortal, nor under venial sin. This is the case with the Rule of the Order of Preachers, and St. Thomas notes it as singular in his time and as special to the Rule of that Order, since the Rules of other Orders obliged at least under venial sin. It obliged only to a certain fixed penalty. This declaration Cajetan says was not made in the beginning of the Order, but in the Second General Chapter, A.D. 1237.

The Society has a most distinct declaration which precludes all doubt, namely, that all the Constitutions, declarations or ordinances, excepting only the vows of the Society, do not induce any obligation under either mortal or venial sin, unless there are added express signs of such obligation, such as either—In the name of our Lord Jesus Christ, or—In virtue of obedience, or—when there is inflicted the penalty of excommunication.

It is however peculiar to this declaration that there is made in it no mention of obligation under penalty, and

throughout the Rule of the Society it may be specially noted that very rarely is any penalty fixed, or even threatened, but the things to be done are simply laid down. This is not because from the rules there does not follow an obligation under some penalty, for this is a consequence in the nature of things, and is necessary in order to religious discipline, which is with exactness observed in the Society by means of penances imposed by superiors for the slightest transgressions of the Rule; but St. Ignatius would signify that Ours were to be ruled by love rather than by fear, and by the desire of all perfection and of the greater glory and praise of Christ our Creator and Lord. Hence he willed that when one of Ours happens to fail in observance of the Rule, he should not only patiently bear the punishment but also voluntarily and studiously procure it, and therefore he ordained that all should sometimes in every year have penances enjoined by the superior for their defects in observance of the rules, as a sign of the care of each for his spiritual progress in the way of the Lord.

III.—HOW IS THE MANNER IN WHICH THE RULE OBLIGES TO BE ASCERTAINED WHEN THIS IS NOT EXPRESSED ?

The fourth mode of making a Rule by simply ordaining, instituting and prescribing the things to be done without any declaration of the character of its obligation, was frequently adopted by the ancient Fathers; and it is difficult to measure the obligation in a particular case because it is difficult to arrive at the intention of

the author in every rule. But this very difficulty suffices to show that obligation under mortal sin is not to be admitted in the case of a rule which does not manifestly contain the matter of a vow, or matter which is otherwise and in itself necessary, unless such obligation should be evident from some special sign, or from the infliction of grievous spiritual punishment.

As regards obligation under venial sin, since there can scarcely be transgression of the Rule apart from venial sin, where this obligation is not expressly excluded it is induced by the constitutions and statutes of the Rule.

In those Rules which expressly exclude obligation even under venial sin, their statutes may oblige under penalty.

In the Order of Preachers punishment is not due save for transgression of a rule which imposes and fixes the penalty; the declaration being general that the Rule obliges only to endurance of the punishment which is fixed by it. Hence only those chapters of the Rule and the Constitutions which ordain a thing under a penalty which has been fixed, have the nature of statutes.

All others are mere counsels, unless from them or from custom it should appear that superiors may enjoin for their transgression penances to be fixed at their discretion; for this is sufficient to give them the force of statutes.

In the Society, all the rules and constitutions are considered to be not merely counsels but statutes, since a perfect observance of all is enacted in the same Constitutions, and for the transgression of any one of them

superiors may enjoin a fitting penance. Hence in the Society counsels can hardly be distinguished from statutes, save perhaps by reason of their matter. In the Rule there are many things which only serve generally to form the interior man, and which lay down nothing external, or to be done in particular or at certain times, as when, for instance, it is said that he who enters the Society must take care to divest himself of all carnal affection towards kindred, and convert it into spiritual; or when again it is said that Ours must diligently observe how much it aids towards progress in spiritual life to abhor entirely and not in part all those things which the world loves and embraces. All other ordinances which ordain or forbid something determinately to be done are proper statutes, which must necessarily concern in some way external actions. Where statutes concern mental acts, they do so in this way, that they prescribe for them certain times at which there is to be abstinence from other external acts. Thus, in the Rule of the Society, statutes may in a manner be distinguished from counsels, but even such counsels are specially proposed to those who profess the Rule, so that they ought to aspire to them, and may in order to this end be ruled by and receive ordinances from their superiors. The only difference therefore seems to be that defects or imperfections which are contrary to mere counsels cannot in the nature of things be punished, since no one is judged by man or punished for his interior acts, although he may be punished for the external defects which indicate those internal imperfections, or even for these internal imperfections themselves, if they are manifested

by voluntary confession made outside the sacrament, and in order to religious correction.

Hence in the Institute of the Society, apart from rigorous precepts, of which, besides the vows, there are scarcely any, there is but little distinction between counsels and statutes.

To say that transgression of a statute or constitution, without legitimate cause excusing it, cannot be without sin, is contradictory to the mind and intention of its author, and would frustrate his purpose in declaring that the Rule did not bind under sin. What would it avail for greater security and the avoidance of snares to declare that a Rule did not directly bind under venial sin, if one in breaking it should necessarily fall under the same obligation on another ground? It cannot therefore be argued that as one is bound in conscience as a member of a commonwealth to observe its laws, so a religious as a member of his Order is bound in conscience to observe the Statutes and Constitutions which are its laws, and therefore cannot avoid at least venial sin in their transgression. Although a member of a community is obliged to observe its laws, he is not bound to observe them otherwise *than as they oblige him*, and therefore if they are so imposed as not to oblige in conscience, he does not take upon him a greater obligation by his profession of the religious state.

Transgression of a rule may be twofold,—by commission and by omission; and in both cases there is again to be distinguished—the work, or *what is done or omitted without leave*, and the *failure to ask leave* for doing or

omitting it. When therefore the act which is done is forbidden by the Rule, and is not evil in itself or evil by reason of ecclesiastical prohibition (for then it would have its malice otherwise and not from the Rule), there is to be considered the *motive* for which it is done. If that is really good, then the act is not a sin, because simple opposition to the Rule or failure to ask leave is not a circumstance sufficient to vitiate the act, the prohibition not being, of the intention of its author, such as to render the act evil, for this he has himself declared when he said that he did not will his Rule to oblige in conscience. Since however it rarely happens that a religious acts from a good motive when he acts contrary to the Rule, but from some slothfulness or personal gratification, his act is frequently not without venial sin.

So in like manner as regards an omission contrary to the Rule, as, for instance, an omission for the sake of study of prayer at a time enjoined by the Rule. There is here to be considered the *motive*, for, if it is good, the omission not being in itself evil, there will be no sin. But since a good motive does not induce to act contrary to the Rule, such an act is frequently culpable by reason of an extrinsic end.

If the omission is voluntary, but this only indirectly through an inadvertence which might have been avoided, it is not sinful, even although there has been some negligence in consideration, for this negligence although less perfect is not evil, since it is not intrinsically evil, and there is no prohibition which renders it evil. Even although the inadvertence or negligence

arises from a preceding occupation otherwise culpable, the omission does not therefore become evil, since the preceding fault is not its cause, and, even if it were, the omission is not aggravated in its malice, since in itself it is not evil. Finally, the omission may be directly and in itself voluntary, as when, for instance, one will not pray, and then the omission will be judged according to its motive since it is not in itself evil. Such omissions are frequently venial sins as arising from tepidity and reluctance to overcome difficulty, and in practice can hardly occur without some venial sin, not by reason of the obligation of the Rule, but because of the irrational character of the will or want of will. Even with regard to acts of counsel there may in this way be venial sin, as if one, for instance, from slothfulness or without any reasonable cause should directly will not to be a religious.

The doctrine is the same with regard to an omission to ask leave, which omission is always conjoined with a transgression of Rule; nay, in this omission the transgression chiefly consists. Even this omission is not evil in itself, since the obligation arises simply from the Rule, which does not bind under sin. Sometimes, however, it may happen that, leave having been asked and not obtained, one does or omits something contrary to Rule, and then there is some peril of contempt. But even then, apart from contempt of Rule, that action or omission is not evil in itself, but is to be judged in accordance with its motive; supposing always that the superior in refusing leave does not thereby impose a

new precept which should oblige in conscience, for then there would be a new obligation, although not an obligation in virtue of the Rule.

IV. — IS A RELIGIOUS BOUND UNDER PRECEPT NOT TO CONTEMN THE RULE? AND CONSEQUENTLY, IS HE BOUND TO PROGRESS IN THE WAY OF PERFECTION ACCORDING TO THE RULE?

A religious is absolutely bound to progress in some measure in the way of perfection, for in virtue of his profession he is bound to will to observe a state which in itself is of counsel only and not of precept, and this is intrinsically to will to tend towards perfection.

A religious is not bound under mortal sin to have a purpose to observe all or any of those things which he has neither promised, nor has had specially prescribed to him; although, morally speaking, he can hardly have a due intention of his own salvation, without intending this also. A man of the world can hardly, morally speaking, have a firm purpose of never committing mortal sin, without his consequently doing some works of supererogation, and having a formal or virtual purpose of doing such works; for as created substance cannot be preserved without all its accidents, so neither can substantial charity and the friendship of God exist without some works which lie outside its substance. In the same way, a religious cannot have a firm purpose of observing all things which are necessary to charity and perfection in his state, without being prepared to do

many things in particular which are not prescribed, since these cannot morally be altogether severed from those things which are prescribed.

When a religious Rule does not oblige under any sin, but only under penalty, a religious does not sin mortally who purposes not to observe a rule, so long as he is prepared to bear the punishment.

But if a religious is resolved to be so free from the yoke of the Rule as not to be prepared to bear the punishment, however much it might be prescribed by the superior, or as to be prepared, if necessary, to resist him, he would doubtless sin mortally; both as indulging a disposition which is directly contrary to his vow of obedience, and also because he resists the rule, not only as it is a merely penal law, but also as it resolves itself into an obligation of conscience which is grave of its own nature, namely, not to resist a superior who is acting within his right, and procuring observance of the Rule.

So long as a religious is prepared to submit to punishment, he does not sin even venially by his purpose not to observe the Rule. Such a religious does not will always to resist the Divine grace and vocation, but only wills to live comfortably within his state, and by this he does not exclude a change of purpose, should he be more forcibly touched by God. Moreover, he does not will never to do what is better, or never to keep the Rule, but he wills only not always to be tied to the Rule and to the more perfect counsels. These two things are very different; and it is much more inordinate to will always to transgress the Rule, than to will not always and in all things to observe it.

Morally speaking however there cannot be found a religious so straight and upright in substantials or things necessary as to resolve to preserve them uninjured, who in other matters is so remiss as to intend to observe no rule whatsoever, but always to transgress all rules. This could hardly happen without contempt of the Rule.

But there may easily be found a religious so remiss as, contenting himself with things necessary, not to will to trouble himself about others, and so to resolve not always to observe the Rule, but then only when religious discipline and order compel him by a moral necessity, or when he can do so without much trouble or difficulty. It may consist with such a purpose that he should will by certain actions which are either according to the Rule or beyond it, to do many works of supererogation. It may, at any rate, consist with such a relaxation of life, that he should will to love God more intensely and more frequently by acts of love than he is bound to do, and this belongs to works of counsel.

When a Rule obliges under venial sin, and not under mortal sin, it is a grave venial sin to propose to break it, if occasion should offer; but apart from the peril of a more grievous fall, to which such breach should give occasion, and apart from contempt of the Rule, it will not be a mortal sin. The case is similar to that of a man in the world, who purposes to keep all rigorous precepts but not to avoid venial sins, should occasion offer.

Venial sin may be a disposition to mortal sin, but it rarely happens that remissness in the observance of less important rules, even when directly voluntary, is on this ground mortal sin; for such negligence is in itself

only a remote disposition, unless there should be particular circumstances which cause it to be a proximate occasion of mortal sin.

There will be contempt of the Rule if a religious should formally despise it as useless in order to his perfection, and should on this ground transgress it.

In so doing he does not necessarily err against the faith, for, although the Rule is approved, from this it follows only that it does not contain anything which is contrary to good morals, and that it does in itself contain a method which is useful in order to perfection; but it does not therefore follow that it must be useful for every particular individual, since one may have a nature which is at variance with it, nor does it follow that it should be more useful than other Rules or means of perfection. If therefore a religious conceives a contempt for his Rule, either solely as it regards himself, or solely in comparison with other means of perfection which he excogitates and believes would be more useful for him individually, he does not thereby oppose himself to the approbation of the Pontiff, nor does he directly err with regard to any doctrine of faith in virtue of such contempt.

Leaving the common Rule for something of one's own invention may sometimes spring from excessive presumption and pride, and it then amounts to mortal sin when in the judgment of the prudent it exposes the religious to the peril of apostasy or of failure in things necessary to his state, and when notwithstanding this he perseveres in his own judgment and disposition.

A general intention not to subject one's self to the Rule, even if it should spring only from self-love and sloth, is contempt of the Rule; but it is virtual rather than formal contempt.

If however a religious not only intends not to be solicitous with regard to observance of the Rule, but intends also never to observe it although he could easily do so, this disposition will either be mortal sin, or it will certainly be a considerable disposition towards it, and can hardly be entertained without formal contempt.

What St. Thomas says—that then a man transgresses from contempt when his will refuses to be subject to the Rule, and when from this he proceeds to act contrary to the Rule, is to be understood of those cases when the intention of not living according to the Rule is such that he either simply despises the whole Rule, making no distinction between what is grave and what is of less importance, between what is substantial and what is accidental; or when it is such that he altogether determines neither to observe the Rule nor to be subject to religious discipline; or certainly when he so despises the Rule as not only not to intend to observe the whole Rule but also, as it were positively, to intend not to observe the whole Rule lest he should appear to be subject to it. Outside these cases mortal sin will not be committed unless accidentally by reason of peril.

The words of St. Jerome to Heliodorus—"You have promised that you would be perfect"—do not mean that a religious promises to attain perfection, but that he promises to remain in the state of perfection, to which state it belongs to have nothing besides Christ, that is,

no property, nor the cares of the world or of matrimony, nor any other will save his who represents Christ. These things fall so far directly under promise as they belong to the three substantial vows of religion; and in this sense an intention to observe the Rule as it contains or determines these in its own special manner, is of necessity of precept; but all things else belong to greater well-being merely, or are necessary in that degree in which they are proposed by the Rule. It suffices therefore that one should have an intention and purpose of substantial progress, and consequently of not absolutely failing of the grace of God.

In like manner is to be interpreted the saying that—"not to progress in the way of God is to fail;" for, not to progress in substantials and things necessary is to fail substantially, but not to progress in counsels is to fail in perfection only; and this may frequently be a venial and not a substantial failure.

So also the saying of St. Bernard, that—"not to go forward is to go backwards, and that not to ascend is to descend,"—is not to be understood as applying to religious only, and not also to all Christians, or as if not to grow in grace, without however falling into sin, should be to go back in the way of God, for this would not be true. It does not refer to mortal sin, or to any diminution of charity or grace which cannot be diminished apart from mortal sin by which the whole of it is lost, but to venial sin, or to an increase of inordinate affections which should hinder the course or easiness of virtue. These Fathers by such sayings mean to teach that it is perilous for a man in this life to suppose that he has made suf-

ficient progress, and therefore to desist from all care and effort to make more, and when they speak of failure, it is failure from perfection and not failure from grace to which they refer.

Finally, a general purpose of non-observance which regards the whole Rule may more easily verge on contempt, or place a man in graver peril, than a particular purpose with regard to this or that rule. There is the same difference between such a general purpose, on the one hand, and frequent actual transgression of the Rule on the other, since this may spring from frailty only, or from particular affections or negligences, to which various occasions may give rise. There is not in this so great a risk of arriving at contempt, as there is in formal deliberation or purpose.

V.—IS A RELIGIOUS BOUND NOT TO LAY ASIDE HIS HABIT?

The use of a religious habit is as ancient as the Church herself, and St. Chrysostom says that monks imitate in this Elias and St. John the Baptist, who manifested by means of an external habit the austerity of the life which they professed.

There are many reasons why religious should have a special habit and, among others, for the sake of poverty, or for mortification and penance, or as a profession of humility and abjection, and in order to distinguish them from lay persons and from the secular clergy. Each Order has also its own special habit further to distinguish its members from those of other Orders.

A religious is bound under mortal sin to retain, that is, not to change the habit of his Order. Desertion of the habit is one mode, and a frequent mode of apostasy; and a professed religious who should rashly divest himself of the habit of his Order will thereby incur the greater excommunication.

The obligation to wear the habit, although it does not arise from vow, does not however spring merely from Rule. If it did, it would follow that, when the Rule did not oblige under sin or grave sin, to lay aside the habit would not be a mortal sin; and nevertheless it is so reckoned by the tradition and common consent of all religious Orders. The obligation belongs in a manner to natural law, since the habit is given and assumed not only as it is a garment but as it is a sign of profession; and from the fact of one's entering on an office or state which is of perpetual obligation, there follows the obligation not to lay aside the sign which has been publicly instituted and appointed to signify profession of that state. But besides this, there is a positive precept, which is not so much founded on any special Rule as it is supposed by every Rule, it being, as it were, a general law of the religious state. It may be called an unwritten law, being received by the common consent and tradition of all religious Orders; although it may also be said to belong to canonical common law, being confirmed by the authority and decrees of Pontiffs and General Councils. In order that transgression of this law should be a mortal sin, formal contempt of it is not necessary. The virtual contempt of it is sufficient which is included in a free will to act contrary to it; and the habit is said to be

“rashly” laid aside, whenever it is laid aside without reasonable cause. This sin may be sometimes venial by reason of the matter, as, for instance, if the habit should be laid aside for a short time, by way of joke, with the intention of re-assuming it, and without the intention of appearing as a secular or as if the religious had changed his state. The matter, and consequently the sin which depends upon it, may also be lessened if only part of the habit should be laid aside, if what is retained is a sufficient sign of the religious state. If a religious were to put on part of another habit, which did not conceal his own, he might offend indeed against religious decency, or against the canons which forbid to clerics or monks lay or unbecoming attire, but he would not sin against his obligation not to lay aside his habit. He must retain, however, what will be a sufficient sign of his own proper state, for it does not suffice that there should be a sign of the religious state generally, since a religious is bound to wear the habit peculiar to his own Order.

The obligation of a religious to wear his habit is not so precisely necessary that to omit it is never lawful, at least for a time, and for a just cause, such as the preservation of life, or the avoidance of grievous dishonour or scandal. Human laws do not bind with such rigour, when the matter of them is in itself indifferent, and when the transgression of them does not redound to contempt of religion or to the common loss. When a work or journey is in question which cannot conveniently be undertaken in the habit, the necessity or advantage of it is to be considered, and may be determined by the judgment of a prudent and good man.

A change of habit may be rendered lawful by means of just dispensation, of which it admits, since wearing the habit is not of the substance of the religious state. There is not required so great a cause as would in itself suffice to excuse the change, for then there would be not dispensation but interpretation of the law. Neither is an extraordinary cause necessary such as would be required for dispensation from the religious state itself, or from its substantials. The greater the change or the longer the time for which it is to be made, the greater the cause which is required in order to justify it. A greater cause is required for just dispensation for life than for during a term of study, or the course of a transaction, or the continuance of a journey. Greater cause is required when the change is from monastic into lay attire, than when it is from monastic into clerical attire ; and also greater cause is required when it is into clerical attire than when it is into another monastic habit, because there is a greater departure from the law or rule.

The Supreme Pontiff alone can, properly speaking, grant this dispensation ; for it is one thing to give leave for a work which cannot conveniently be done without a change of habit, and it is another directly to dispense from wearing the habit. The first a superior can do and does daily ; the other, since it is a dispensation not from the Rule but from the common law, he cannot grant. When a subject solicits the leave of his superior to lay aside his habit by reason of some journey or ministry, the superior gives rather an authoritative interpretation than a dispensation, for the doubt as to the obligation of the law might have been determined

by any prudent person on consideration of the case. The subject, however, acts rightly in having recourse to his superior, since to him it belongs in virtue of his office to declare whether the law obliges in a doubtful case, and he by his authority supplies practical certainty to his subject; yet, generally speaking, the habit cannot, by leave of the superior alone, be laid aside for life, or for a long time, or in a, as it were, stable way, but only on occasion of some particular action, or for the time during which it lasts; unless in such a case as that of a religious who is sent by his superior to preach the Gospel, and when he cannot accomplish his mission without peril save with a change of habit. In this case he might use his leave for a long time, and even for the whole of his life, since during all that time his ministry is being holily exercised.

A religious divesting himself of the habit, which he might do to sleep or bathe or swim, or for other similar reasons, and as this is distinguished from his laying it aside or deserting and renouncing it, or changing it for another, and of which in divesting himself he has no intention, does not in virtue of common law, or of the nature of the case, or by reason of his vows or religious state, commit sin.

VI.—ARE RELIGIOUS MEN BOUND BY A PROPER AND RIGOROUS PRECEPT TO OBSERVE ENCLOSURE BY NOT ISSUING FROM THE CLOISTER?

To depart from the monastery with the intention of apostasy, or of flying from the obedience of superiors is

intrinsically evil in the case of professed religious, and is of its own nature a mortal sin, as directly contrary to the obligation which is begotten by profession.

It is certain that enclosure, or abiding within the monastery, as opposed to local departure beyond the farthest bounds of the monastery, is not so prescribed to monks or religious that for no reason whatsoever it should ever be lawful for them to go out beyond the cloister; for this is lawful by leave of the superior, as the Rules of all religious Orders suppose. It is not contrary to common law, and the practice is confirmed by common custom. It is certain also that superiors can in virtue of their common and ordinary power grant this leave, unless the special law of some particular Order should restrain them. An obligation lies on religious who profess the common or cœnobitic life not to go outside the cloister without leave of the superior, as appears from their Rules and from the general custom of such religious.

The obligation to enclosure does not arise from the simple ordinance of a rule which obliges under penalty and not under sin, but is an obligation of conscience, and exists in virtue of a proper precept which obliges according to the character of its matter, and which, when, as in this case, the matter is grave, obliges under mortal sin.

If a religious departs from his cloister without leave, to live outside it for any length of time, and in, as it were, a stable manner, even if he has not the intention never to return or to abandon religion altogether, such flight is, in the view of all religious Orders, a grievous trans-

gression, and not free from the guilt of apostasy, if he intends his stay to be a long one. The same is true of any flight which is made secretly and, as it were, violently, against the will of the superior, even if the time spent outside should not have been very long, and even if the motive of going was not in order to commit mortal sin. A sign of its grievousness is the scandal and dishonour to the religious himself, and even to his Order, which such a flight is wont to beget. The Council of Trent declares that it is not lawful for regulars to depart from their convents, even on pretext of going to their superiors, unless they have been sent or called by them; and it orders those who so act to be punished, as transgressors of their Institute. The Council thus signifies the obligation in conscience of enclosure, and the grievousness of its transgression.

To go out at night furtively and without leave, even if not for the purpose of committing mortal sin, and in like manner to go out during the day with the intention of staying out during the night, is sufficient matter in order to mortal sin, as contrary to religious decency and as it is an occasion of scandal.

The root and ground of the grievous character of this transgression is the right of the superior to govern and guard his subject, which right is seriously injured by his departure. The religious ought to be so subject to the power of his superior that he may be governed and guarded and commanded by him; and from such subjection he withdraws himself by his flight or departure from the monastery, against the will or without the knowledge of his superior. Nocturnal departure adds

a gravity of quality to what may be called the gravity of quantity, that is, the length of the absence. A daughter who should leave her father's house furtively, especially if in the night time, even without any intention of committing mortal sin, and apart from any danger to herself, would sin grievously by the injury which she did to her father's house, and to the fidelity which is due to him ; and no less is demanded by religious chastity and decency.

To go outside the cloister without leave of the superior is nevertheless not in itself so grave a sin that it cannot in a particular case be venial, by reason of the smallness of its matter. If two religious, for instance, were to go out by the common gate and in the accustomed manner, and with the intention of soon returning, even if they went without leave of the superior, this, apart from any mortal sin in the motive of their going, and apart from any special precept in a particular Order, would not in itself, or as it is a breach of enclosure, be a mortal sin.

Under certain circumstances departure without leave may even be lawful, if it is for a just cause, and when it would have been lawful if made with leave. It may, especially when it is for a short time, be sometimes necessary by reason of charity towards one's neighbour in order to defend him, or to succour the dying or the like. In such cases, however, *presumed* or *tacit* leave may generally be supposed, and this, as we have seen (vol. i. p. 339), suffices. When leave has been asked and refused, the usual rule when a case is doubtful applies, namely, that the subject should follow the judgment of the superior, and observe his law. But if he is *certain* with regard to

the fact and grave character of his neighbour's necessity and consequently with regard to the obligation of charity, and that the superior has proceeded either on a false presumption or from depravity of will, and the thing can be done without scandal, then no sin will be committed by departure; and it may even sometimes fall under obligation, although this would require a concurrence of so many circumstances as to make the case scarcely practical, unless when the departure is but momentary.

Leave of the superior obtained without fraud or force, always excuses from a mortal sin of violation of enclosure, even if the leave should have been given imprudently and without any cause, nay, even if the superior is forbidden by the Rule to give it. Departure is in such a case neither apostasy nor flight; nor is it furtive, since it is not made unknown to the superior or outside his obedience. His leave is not a dispensation of the common law, but is a condition of the precept in question, for the law forbids not departure simply, but departure without leave. It does not demand that the leave should be given prudently, but supposes this, and it does not impose on the subject the burden of examination of the prudence of the leave. The end of the prohibition is rather that the religious should not depart *from his superior*, than that he should not depart from a place; and whenever he departs *by the will* of his superior, he does not depart *from* his superior, even if his superior ought not to have had that will.

The religious while he does not sin against the common law of enclosure, may sin nevertheless by asking a leave which cannot justly be given, or by waste of time,

or by giving bad example or otherwise. His sin will generally be venial, but never or most rarely mortal, unless his intention in going out should be to commit mortal sin, or unless it should be an occasion of grievous scandal, all of which are accidental.

A superior, who has himself no superior in the same place, does not violate the enclosure by going out without just cause, although he may perhaps sin in other ways; since he does not go out without leave, for either that which he can give to others he can also take for himself, or the law regarding leave refers only to subjects, while he retains the liberty which he possesses in virtue of his office. The law moreover does not impose upon him a special obligation not to use his liberty unreasonably, but leaves this to his natural obligation.

If in any particular Order the Rule should oblige to a special enclosure over and above that which is demanded by the general law of enclosure, and should either directly forbid superiors to give leave, save by way of just and necessary dispensation, or absolutely interdict to subjects violation of this enclosure, then leave given without just cause will not render subjects safe in conscience; and this in proportion to the measure of the obligation of the Rule. If it obliges under mortal sin, such leave will not excuse from mortal sin; if under venial sin, it will not excuse from venial sin. If it obliges only under penalty, the obligation is not properly one of conscience, and this therefore will perhaps excuse the religious before the superior who gave the leave, although not before a higher superior, if the injustice of

the leave is so clear that neither the ignorance of the subject, nor the authority of the superior can excuse it. In such case simple leave does not suffice, but dispensation is necessary, as is supposed, in virtue of the Rule; and this dispensation, if without reasonable cause, is not only unjust but is also null and void, since it is dispensation by an inferior of the law of a superior, the Rule being above the superior, and flowing from a higher jurisdiction or power.

The Carthusians are prohibited by their Statutes from going outside the enclosure without leave of the Prior General, save in the rare cases which are enumerated in their Constitutions. There is a similar prohibition among the Camaldulense. Nearly all monastic Orders profess a greater enclosure, in virtue of their Rules, than do Mendicants, since they do not profess mendicancy or ministries which cannot well be accomplished without departure from the cloister. Among monastic bodies, some observe a more strict enclosure than others; and even within the same Order some monasteries are, by their Constitutions and custom, more strict in this matter than are others.

VII.—ARE RELIGIOUS BOUND ALSO BY RIGOROUS PRECEPT TO ENCLOSURE AS REGARDS THE NON-ADMISSION OF EXTERNS?

As regards the second part of enclosure, by the exclusion from the monastery of seculars or externs, the Rules and Constitutions of each Order are to be observed, along with the natural obligation which springs

from religious decency, or from a necessary care to avoid scandal, either the scandal which seculars might give, or that which they might themselves take from the religious, and this often without any fault of theirs.

Prelates are therefore bound, in virtue of their office, even if no special rule enjoins it, to take fitting precautions, in view of the circumstances of individual cases, that secular persons should not easily be admitted within the cloister, and especially into its more interior parts. Quiet, apart from the clamours of the world, says St. Bernard, is most necessary for religious souls. It is more necessary for those who profess the purely contemplative life than it is for those who mingle with it the active life ; yet even for these moderation is necessary, lest they should be despised by seculars, and be themselves drawn towards secular things through too great familiarity with them. With due moderation and prudence, however, intercourse with seculars has never been forbidden, and St. Basil says that seculars may even be admitted to table, if they are pious, prudent and well affected, and he gave directions how guests and others who came to visit his monks were to be received and treated. St. Ambrose also says that, if seculars need our aid or ministry, it is more expedient that they should come to us, than that we should go to them.

If a special Constitution of any religious Order prescribes enclosure by prohibiting the entrance of seculars, three things have to be considered. First, to what persons it has reference ; for very frequently it is the entrance of women only that is forbidden. The pro-

hibition is understood to extend to men if it mentions seculars generally, or uses the masculine gender which covers both sexes, while the feminine does not. Secondly, to what places the prohibition refers; for ordinarily it does not extend to the Church, even as regards women. The Carthusians are said to have this prohibition, and hence their churches have their doors within the bounds or outer walls of the monastery. In other Orders entrance is generally prohibited to women into any part of the cloister, but not into the church. It then only remains to consider what is meant by the church, and it is generally understood to comprehend the sacristy and the chapels adjoining it, to which immediate entrance is through the church itself; for all are considered as parts of the same church, while places more apart, and the cloister, even if immediate entrance can be had to it through the church, do not belong to it, nor can they come under the appellation of the church. In some Orders, and in virtue of their Constitutions, entrance is permitted to women up to the lower cloister, either always, or on certain days, or on occasion of certain solemnities. What is to be understood by the *Cloister* or *Enclosure*, and where it terminates so that it is not lawful to go farther, is to be determined by the nature of the place, by custom, and especially by the declarations of superiors.

Thirdly, there has to be considered in particular Orders the nature and mode of the obligation, for it is not the same in all Orders. The degree of obligation will be declared by the words of the constitutions and by custom. The obligation falls directly on the religious,

or on their superiors, for a constitution of any Order cannot bind seculars. The religious sin by admitting seculars or by permitting their entrance, each one according to the nature and limits of his office ; but the seculars do not sin by their entrance, unless as inducing others to sin, or as co-operating in their sin, or unless they have entered furtively or by force, which would be contrary to justice, and also to religion by reason of the sanctity of the place.

But besides this, religious Orders are wont, by means of indults of the Pontiffs, to possess power to impose this prohibition directly on the seculars themselves, even under censures *ipso facto* to be incurred. This prohibition is testified to by the various privileges which have from time to time issued from the Apostolic See, granting to certain illustrious women entrance into monasteries of men, notwithstanding any way in which such entrance may have been prohibited.

VIII.—THE ENCLOSURE OF NUNS, AS REGARDS NOT GOING OUT OF THE MONASTERY.

A special enclosure is not of intrinsic necessity to the religious state in women, for in ancient times the sacred virgins were frequently in the habit of professing religion in their own houses. The three substantial vows suffice in order to the religious state, and without any law or vow of enclosure, chastity and a religious Rule and a manner of life in accordance with the Evangelical counsels can be observed. It cannot however be doubted that this enclosure is most fitting for the religious state in women,

especially when they profess it in communities, or in the conventual life, by reason of the natural condition and frailty of the female sex.

The Church had power so to institute a religious state for women as to prohibit them from professing religion in their own houses, and permit their profession of it only in sacred domiciles and monasteries appointed and approved by her.

The Church has power also not to admit women to religious profession, unless they at the same time vow or bind themselves not to go outside the monastery in which they profess stability, without lawful dispensation. There is a very great difference in this respect between religious profession and a simple vow of continence, for by profession a virgin is constituted in a public and solemn *state* of the Church, and becomes in a peculiar manner a member of an ecclesiastical state, the institution and ruling of which is, with special reason, under the providence of the prelates of the Church. By a simple vow of continence, on the other hand, there is not constituted an ecclesiastical state. Such a vow is a purely private act, which does not even depend on the acceptance of the Church but is transacted between God and the person alone. It is therefore left to that person's own counsel and discretion, although, if the vow is in any way public, it will belong to the providence of the pastors of the Church to take measures that it should be becomingly observed.

The obligation of nuns to observe enclosure by not going outside the monastery includes more than the

obligation of religious men to ordinary enclosure, since it lacks the condition—"without leave of the superior," and is an absolute obligation not to go outside the monastery. It does not exclude just dispensation, but that is very different from simple leave.

This first root of this obligation may be a fourth vow, for enclosure may be the fitting matter of a vow, inasmuch as it is ordained to the divine service and to the observance of chastity, and generally may greatly contribute towards spiritual profit. Where there is such a vow, the obligation is clear, and the matter of the vow extends according to the declaration of the Rule, or the common observance of the monastery. It is of importance to know whether the obligation arises from vow or otherwise, both as regards its gravity, and as regards the mode of its dispensation.

It is not necessary that such a vow should be made explicitly, but it suffices that it should be made implicitly, as for instance in view of the Rule, or of an ordinance of the Church, as in the case of the vow of chastity which is annexed to the reception of sacred orders.

The obligation may arise in a second way from covenant or human promise made to the monastery, which under that condition and not otherwise wills to receive the subject. This condition is sufficiently proposed if it is contained in the Rule, or received custom of the Order; for every subject has the intention to make profession in accordance with the Rule and approved custom of his Order. This second mode of obligation is not morally separate from the first, since the cove-

nant in profession is not merely human, the promise of its observance being made to God.

A third mode of obligation to enclosure may be by positive precept of the Church, superadded to profession. This may be imposed not only by the Supreme Pontiff, but also by the prelates of the Order. Although the Pontiff cannot compel the faithful to the state of perfection or to works of counsel and supererogation, and although austerities cannot be prescribed to a religious which in no way belong to the Rule; yet after that state has been voluntarily embraced, those things may be prescribed which either directly or indirectly or implicitly are contained in such a state or Rule; such as all things which, although they are not expressed in the Rule, are nevertheless according to prudent judgment either morally necessary or certainly most fitting in order to the becomingness of the state, or to its purity and observance.

Not only in virtue of jurisdiction, when the state has already been voluntarily embraced, but also by the farther title of the subject's vow of obedience, a prelate can prescribe austerities or rigours which are not expressly contained in the Rule, if in order to the observance of those things which are contained in the Rule, and especially if, in order to the preservation of the substantial vows in their integrity, this is morally necessary or so useful that their preservation cannot easily be otherwise procured; and this is the case with regard to the enclosure of nuns. Even before the imposition of a precept, this enclosure could not be regarded simply as one of those goods of supererogation which

are properly of counsel, but as one of the means which are so adapted to the end of the religious state in women as to be fit matter for a positive precept.

All nuns are bound by precept of the Church to observe enclosure by not going outside the monastery. The first who imposed this precept was Boniface VIII., for although in the ancient canons there are many precepts which concern this enclosure, it is nowhere absolutely enjoined, but is left dependent on the lawful leave of the abbess. The decree of Boniface however was either not generally received, or fell into desuetude through contrary custom, as is signified by the Council of Trent which renewed it, and prescribed to all bishops, under threat of the divine judgment and of eternal malediction, that by their ordinary authority in all monasteries subject to them, and by the authority of the Apostolic See in all others not subject to them, they should diligently restore the enclosure of nuns where that had been violated, and that where it had not been violated, they should procure its continued observance. Explaining this enclosure and its obligation, the Council says that it is not lawful to any nun after profession to go outside her monastery, even for a short time, on any pretext whatsoever, save for a lawful cause to be approved by the bishop, and this notwithstanding all indults and privileges to the contrary whatsoever. The decree refers to all nuns who are either expressly or tacitly professed, but to these only, for they alone are properly religious women. It does not refer to other virgins, however much they may have consecrated themselves to

God by a vow of virginity and live together and under obedience, whether spontaneous or promised by a private vow or covenant, if they have not had their state approved by the Church as a religious state, and in it have made the three substantial vows.

Novices are not bound by this law, because they are not religious. If a novice, however, goes outside the monastery without leave of the abbess, her year of probation is interrupted and consequently she loses her former state of a nun, such as it was, that is, of a novice, and this even if she does not put off the habit. But if she goes out with the leave of the abbess or superiors of the monastery to whom this leave belongs, and in whatsoever habit seems good to them, and for a just cause, her going out is lawful and does not interrupt her noviceship, and on her return she may be received to the habit and to profession just as if she had continued her probation within the monastery, since she has all the time been living under the same obedience, and has not "rashly laid aside the habit."

IX.—WHO CAN DISPENSE FROM THIS ENCLOSURE IN THE CASE OF NUNS?

The Council of Trent leaves the question of the lawfulness of the cause of going outside the enclosure, to the prudent judgment of the bishop. Pius V. gives three cases in which it is lawful to leave the monastery, although only for a necessary time, namely, in the case of a great fire, of leprosy or of an epidemic, that is, of any disease which is so contagious as to be easily communi-

cated to others with whom the person affected lives. This limitation however includes similar cases, such as war, or an inundation, or unhealthiness of situation with risk to life.

The Supreme Pontiff alone can grant dispensation rigorously and properly so called, and as distinct from leave, which is not a dispensation from the law, but is given in accordance with the law and for the cause therein permitted; for the Pontiff alone can, of ordinary right, dispense from his own laws. The dispensation of the bishop can never be necessary, for in a case in which it would otherwise be necessary, the leave permitted by the law will suffice. As regards this leave the Council of Trent says that it is to be for a lawful cause to be approved of by the bishop, and Pius V. says that this is to be understood even in the case of monasteries which are exempt from the jurisdiction of the bishops, and he wills the approbation to be given in writing, expressly, and with knowledge of the cause. In monasteries which are subject to the bishop his approbation and leave suffices, since he is as regards these both bishop and prelate of the Order. In monasteries which are exempt, the leave also of their own prelate, namely, of the Provincial or General, as the case may be in accordance with the Institute, is necessary; and both, the regular superior as well as the bishop, should approve the lawfulness of the cause.

When leave is given without lawful cause, a nun who is in good faith may and ought always to presume in a case of doubt that prelates act lawfully, for this is due to superiors, and especially when as in this case two

grave prelates are agreed. But if it is clear to her in conscience that there is not a lawful cause, and that she has got leave by favour or otherwise, this will not excuse her from either sin or censure, since the leave is in reality null and void, and its nullity is known to her.

If, on the other hand, there is really a legitimate cause for going outside the enclosure, when the monastery is subject to the bishop, and he refuses his approval and leave to go out, it is not lawful to go out. When, however, the monastery is exempt, and the bishop will not approve the cause, but the religious prelate gives leave and approves its cause, if the injustice of the bishop is evident, the nun going out may be excused in conscience. If on the contrary the bishop should approve, while the religious prelate resists and will not give leave, she cannot lawfully go out. Approbation of the cause pleaded and leave to go out are separable in the same way as approbation and faculties for hearing confessions are separable; and although no one can rightly and prudently give leave without approving the cause of leave, yet it may belong to a person to approve the sufficiency of the cause, without his having the power to grant the leave. This is the case of bishops with regard to monasteries which are exempt from their jurisdiction.

The Council of Trent simply prohibits violation of the enclosure by unlawfully going out, without censure or penalty; but Pius V. imposes upon nuns who so transgress, the punishment of excommunication *ipso facto* and other penalties, which he extends also to those who receive, accompany and aid them.

X.—THE ENCLOSURE OF NUNS, AS REGARDS ENTRANCE
INTO THEIR MONASTERIES.

It is no less necessary in order to the purity and perfection of the religious state in women that seculars or externs should not enter within their cloisters, than that they themselves should not go outside their cloisters ; and therefore the sacred canons forbid the one no less than the other. The prohibition of the more ancient Councils was not absolute, but was made with certain limitations as regards persons and actions. Boniface VIII. was the first to prescribe complete enclosure in this respect, and the Council of Trent confirmed his ordinance and declared it to be unlawful for any one of whatever rank or condition, sex or age, to enter within the bounds of a monastery.

As to what these bounds are it may be said generally, that in every monastery of women there must be some bound or wall extending round its entire circumference, the space within which is reckoned as its cloister. Within this must be situated all the cells, offices, cloisters, garden, and generally all places in which the nuns ordinarily live. Whosoever therefore enters within this wall or its gate thereby transgresses the precept, while so long as he is not within the wall or gate he will not violate the precept of enclosure. Hence if any one should ascend the wall with an intention of entrance, although in intention and by attempt he should grievously sin, he would not incur the censure of the Council,

if he did not enter. If without intention of entrance he should ascend the wall simply from curiosity or other motive, he would not sin against the law of enclosure, although he might offend on other grounds by reason of the scandal or injury arising from his action.

The Supreme Pontiff alone can give leave to enter monasteries of women without necessary cause, while all other and inferior prelates can, by the law of the Council of Trent, give leave only in necessary cases, since they have no power of derogating from Pontifical or Conciliar Law. If therefore a bishop should give leave without legitimate cause, he would not only sin, but his act would be null and void as exceeding the power committed to him; and he to whom such leave should be given, could not act upon it with a safe conscience if he was aware of its nullity. The Supreme Pontiff alone can, properly speaking, *dispense* from this law; for an inferior prelate, in giving leave by reason of necessity, does not dispense from the law, but fulfils the law, while, if he gives it without necessity, his act is null and void. A cause might be sufficient for just dispensation by the Pontiff, which would not be sufficient for lawful leave to be given by the bishop, such as, for instance, the quality of the person admitted, or the greatness of his benefactions; the bishop being restricted in his leave to necessary occasions.

By the bishop or superior who gives leave is to be understood also his vicar-general, supposing him to have however a special mandate for this purpose. This power

may moreover be delegated by the bishop, as belonging to his ordinary jurisdiction, which the Council has not limited. The delegation however must be special, and is not regarded as included in a general concession. The Chapter has the same power during a vacancy of the see, since it succeeds to the ordinary episcopal jurisdiction, and as regards monasteries which are subject to the bishop it can also be regarded as their superior. A bishop elected and confirmed, although not yet consecrated, can give leave, this being an act of episcopal jurisdiction, which he can already exercise. Secular abbots and similar inferior prelates possessing episcopal jurisdiction are also included under both terms, bishop and superior, if they have monasteries of nuns immediately subject to them.

As regards monasteries which are exempt and immediately subject to regulars, it is certain that the regular prelate can give this leave, because he is the superior of such monasteries, and it is also certain that his leave suffices. There is therefore a difference between the leave for entrance, and that for going outside the enclosure. In the latter case, the cause has always to be approved by the bishop, even as regards exempt monasteries ; while for entrance no approbation of the bishop is demanded or is therefore necessary, and the leave of the religious prelate by itself suffices. We do not exclude the consent of the abbess, or of the monastery, for this is supposed, and is necessary, and is always understood in the leave ; although there may be cases or occasions when the prelate may prescribe and, if

necessary, compel the nuns not to hinder the entrance of an extern.*

XI.—ARE ALL SECULAR OR PROFANE ACTIONS, AND IN GENERAL ALL BAD ACTIONS, SPECIALLY FORBIDDEN TO RELIGIOUS ?

Precepts which are common to religious and to those who are not religious, equally in themselves bind both. As a rule, in the case of sins which are committed with perfect deliberation, a religious will sin more grievously, since his sin is committed with greater knowledge, and consequently with greater liberty, and also with greater ingratitude towards God by reason of his greater obligation of recognising the benefits of God, and consequently of not offending his Benefactor. So St. Augustine says, —“As I have seen no men better than those who have profited in monasteries, so have I seen none worse than those who in these have failed.”

But, apart from those three circumstances of greater knowledge, greater liberty, and greater ingratitude, there is no addition of malice of a distinct species in the sin of a religious (we do not speak of sins which are

* These chapters on the Enclosure of Nuns refer only to religious Orders strictly and properly so called, that is to say, to those Orders of religious women who make *solemn* vows, and not to those Congregations of religious women who make only *simple* vows. Such Congregations, which are of modern institution, have their Constitutions approved and confirmed by the Apostolic See, and various graces are granted to them by that See, which holds them in great esteem and favour, and regards them as of signal service for the supply of the needs of the Church in the present day. They have a mitigated form of enclosure, subject to the Bishop, and according to their Constitutions.

contrary to his vows, or Rule, or state), or which should cause a sin which would be venial in another to become a mortal sin in him; or which, supposing it to be mortal, should notably aggravate it, so that it should be necessary that the circumstance of his religious profession should be declared in confession.

CHAPTER XII.

*RELIGIOUS PRELATES; AND THEIR OBLIGATIONS
AS SUCH.*

I.—IS IT NECESSARY THAT THERE SHOULD EXIST IN THE RELIGIOUS STATE A PRELATE WHO POSSESSES JURISDICTION? AND WHENCE DOES HE DERIVE IT?

It is impossible that any community of men should subsist without a governor; and if this is true of every community much more must it be true of a religious community, in which order of the highest kind is necessary as a means towards progress in perfection. In the religious state obedience is necessary on a special ground, and for a special reason, and consequently a superior is necessary to whom obedience may be paid. All founders of religious Orders therefore have laid it down in their Institutes that there should be some superior, whom the others should perfectly obey. A superior and obedience are correlatives.

Although it is not of absolute necessity that the superiority should be restricted to one person, since it might be vested in a council consisting of many persons, yet, morally speaking, it is necessary that the *exercise* of superiority should be committed to individuals, since every particular matter which might occur to be done or

prescribed, could not possibly be regulated or ordained by a common council composed of many persons.

An ordinary and even immediate power *might* reside in the community only or in a council, even if it should be proximately administered by means of vicars ; but such a mode of government would not be suitable for a religious Order, since it is imperfect, and but ill adapted for a community of such a character. In all religious Orders, therefore, monarchical government, at least as regards its proximate exercise, has been received in practice. Such government is, according to Aristotle and to St. Thomas, of all others the most perfect ; and Christ our Lord taught this when He willed that in His Church there should be a perfect monarchy ; and nature itself declares it by admitting but one only Supreme Prince, namely, God. The religious state, by reason of its perfection, specially demands a monarchy. It requires not only one governor, but also one head, which should be one person, for in this a monarchy differs from other polities.

In the prelates or superiors of religious Orders there may exist a twofold power—a power of jurisdiction, and a power of dominion. It is necessary that a religious superior should possess *dominative power* ; it is not so necessary that he should possess *jurisdiction*.

Tradition, or delivery of himself by the religious to the Order, and his vow of obedience are of necessity to the religious state ; and therefore, as we have seen (vol. i. p. 115), dominative power in the prelate is also necessary in the same state. These two are correlatives, or, as it were,

cause and effect, since from the delivery of himself by the religious there emerges the dominative power in the Order, from which it is transferred to the superior.

It is not necessary that jurisdiction should be specially committed to a religious Order, or to a person of the same Order and religious profession. Among nuns there does not exist any spiritual jurisdiction, since they as women are incapable of possessing it; and yet there is in their convents an abbess or prioress or other superior who possesses a dominative power such as is necessary and sufficient for religious government.

The ancient monks as a rule were not clerics, and no laymen however holy are capable of ecclesiastical jurisdiction; and yet these monks had their superiors who possessed sufficient power for religious government. St. Benedict himself does not appear to have been a priest, and yet he was certainly an abbot, that is, a father and superior of monks. The excommunication of which he speaks in his Rule was not that ecclesiastical censure which is an act of ecclesiastical jurisdiction, but an external separation from the society of the brethren, either in choir, or in other occupations and exercises, or in common conversation. This separation was effected simply by an ordinance or prohibition of obedience, and bound neither the religious himself nor other persons in that way in which an ecclesiastical censure now binds those persons on whom it is inflicted.

But although it is not necessary that ecclesiastical jurisdiction should exist in a prelate of the same sex or Order, yet there must be ecclesiastical jurisdiction over every Order existing in some prelate of the Church, who

by reason of such jurisdiction is the prelate of the Order ; for in the Church there cannot exist any state without its being subject to the jurisdiction of the prelates and pastors of the Church. Thus nuns are subject either to religious men who as their prelates have jurisdiction over them, if their Order is exempt ; or to the bishops, if it is not exempt. In the latter case the bishop is no less their proper prelate, than the provincial or prior of their own Order would be, if they were exempt from the bishop, and subject to him. In like manner the ancient monks who were laymen were subject to the bishop as their proper prelate.

In exempt Orders, such as nearly all religious Orders of men now are, prelates properly so called, that is, who possess spiritual and episcopal or *quasi*-episcopal jurisdiction, are necessary. When an Order is exempted from the jurisdiction of the bishop it remains subject *immediately* to the jurisdiction of the Supreme Pontiff alone. But since it could not be conveniently governed by the Pontiff in person, or through his commissaries or delegates, for in every congregation ordinary pastors are necessary, on whom the care of it should be incumbent by virtue of their office, it follows that, if such proximate pastors are not the bishops, there must be proper prelates belonging to every religious Order.

The General, Provincial and local or conventual superior in every Order which has been approved by the Supreme Pontiff and is exempt, are truly and properly *Prelates*, with *ordinary* jurisdiction which they possess in virtue of their office, and which they can also delegate.

It does not follow from the institution or approbation of a religious Order that it possesses jurisdiction, unless this has been conferred upon it; and therefore religious Orders do not possess jurisdiction in virtue of common law, but by reason of special concession. Certain exemptions or immunities were granted to the Order of St. Benedict by St. Gregory, which the bishops might not violate. So long however as religious were subject to the bishops they do not seem to have possessed proper jurisdiction at least from the Holy See, but such jurisdiction only as the bishops chose to delegate; and their possession of jurisdiction seems then properly to have begun when first their exemption from the jurisdiction of the bishops began. This dates, as regards the whole of an Order, from the times of Alexander III., who exempted the Carthusians, and Innocent III. and Honorius III. who exempted the Mendicant Orders. Before this certain single monasteries seem to have been exempt, although others of the same Order remained subject to the bishop of the diocese. At the present day among monasteries of nuns of the same Order, who live under the same Rule, as for instance, that of St. Benedict or that of St. Francis, some are under the jurisdiction of the bishop, while others are under that of a regular prelate.

II.—HOW MANY PRELATES ARE THERE IN A RELIGIOUS ORDER? AND IN WHAT RELATION DO THEY STAND TO EACH OTHER?

We are not here considering the diversity of prelates in different Orders, a diversity which is commonly more

in name than real ; but the diversity of prelates within one and the same Order, and a diversity which may exist in every Order.

The prelates in an Order may be distinguished as—the lowest, the highest, and intermediate prelates.

The lowest prelates in an Order are those who are called conventual or local prelates. These preside over one monastery only, and exercise in it an immediate prelature in the sense that they have under them no other prelate. Such are for instance, the Abbots, Priors, Guardians or Rectors of one monastery who, by whatever name they may be called, are all truly prelates. They are the lowest prelates because they do not have under them any lower prelate ; for although they may and commonly do have a vicar subordinate to them, who in some Orders is called the Prior in relation to the Abbot, in others the superior in relation to the Prior, and in others the minister in relation to the Rector or Provost, yet this vicar is not a prelate, because he does not possess any proper and ordinary jurisdiction. He either has no jurisdiction but only power of economic administration, or whatever jurisdiction he possesses has been delegated to him. This is to be understood of those vicars who are vicars in reality and not merely vicars in name ; for if on the death of the Abbot or Prior, a vicar is substituted with sufficient authority, he is then to be regarded as a prelate, since he possesses *ordinary* jurisdiction, which he can delegate. So also one who presides over a small convent which is subject immediately to the Provincial or General, and who is called

Vicar only by reason of the smallness of his convent, is in reality a prelate.

The highest prelate in a religious Order, who within that Order has no superior, and who has all other prelates of the same Order as his subjects is, in all Orders which possess such a prelate, the General; who in some Orders is called the Prior-General, and in others the Abbot-General, or the Master, Minister or Provost-General. He is called the *Supreme Prelate*, not as if he were subject to no one; for in this sense the Supreme Pontiff alone is the Supreme Prelate of all religious Orders; but only inasmuch as he is supreme in relation to all prelates of the same Order.

Apart from exemption, a similar subjection of such general prelates to the bishop would have been possible; but as matter of fact this mode of prelature has never existed in the Church apart from *quasi*-episcopal jurisdiction and without exemption from the jurisdiction of the bishops. The General of a religious Order possesses a jurisdiction which is in a manner more universal than that of particular bishops, for he has monasteries subject to him in various dioceses and even in various provinces and kingdoms. He could not for this reason well be subordinate to the various bishops of all these countries, since if so he would not be able, morally speaking, to govern in a uniform manner the various monasteries subject to him. So long as individual monasteries existed separately from each other, so that their Abbots had no superior within the Order, they

seem to have been subject to the bishop. But the Orders which each form one body corporate under one internal head were always exempt.

There can be, properly speaking, only one supreme prelate in one religious Order, for the very idea of the *supreme* includes that of the *single*. In those Orders in which there are several prelates who have the name of General, either all, save one who is independent, are Generals only in name, and are so called because of the extent of the district which they govern, or the smallness of their subordination to the supreme prelate who is entirely independent, and who is therefore really General, and the only General in the strict and true sense ; or the Order in which they are Generals is called one, not as one with that perfect moral unity which requires union under one head, but as one merely with a unity so far as concerns following of one and the same founder, and profession of the same Rule at least as regards principal matters, and similarity of habit, and greater fraternal communication and charity such as similarity is wont to beget. Of this we have an example in the Order of St. Francis in which we find the various families of the Observantines, the Conventuals and the Capuchins, each with its own General.

What we have called *intermediate* prelates are those who are subject to a superior prelate within the same Order, and who at the same time are themselves in a manner universal prelates, as having under them many houses and the inferior prelates of those houses. Such are the Provincials of the Mendicant Orders, and of

other Orders which imitate them. In the Monastic Orders intermediate prelates do not exist. The Carthusians, besides their General, have no common prelate of one province or nation, but only the Priors of the various individual convents. These hold at times a *quasi*-provincial or national Chapter, which Chapter, so long as it continues, may be said to have the authority of a *quasi*-provincial or national prelate. In it however they elect not a Provincial but Visitors; and these are not *ordinary* prelates, or prelates with *ordinary* jurisdiction in virtue of their office, and which they can delegate. The Visitors exercise a special commission at certain times and places.

The other Monastic Orders have commonly only one ordinary Prelate over all the Abbots or Priors, whom therefore they call their General. The threefold order of prelates is not, therefore, absolutely necessary to the religious state, even as that state exists in the Church at the present time.

In the Mendicant Orders, by reason of their wide diffusion and special manner of life, this *quasi*-hierarchical order is always observed. There is always between the conventual superior and the General an intermediate superior,—the Provincial, who is under the General, and has under himself various convents along with their superiors. These constitute one Province which, although it is a part of one religious Order, is nevertheless in itself one body-politic, consisting of all its convents with the Provincial as their head. In religious Orders there are not any other intermediate and

ordinary prelates, as a rule, besides the Provincials; for if sometimes Commissaries or Visitors are created, these are not ordinary but *extraordinary* superiors, and possess a merely *delegated* jurisdiction, which expires on the death of its granter. There is one exception, namely, the Order of St. Francis, in which there are other intermediate prelates, to wit, the Cismontane and Ultramontane Commissaries-General who, under the General, are superiors of all the Provincials of their respective religious families, and are true prelates with ordinary jurisdiction.

These three kinds of prelates, Generals, Provincials and conventual or local Superiors, are equal in some things, and in some things they differ. They are equal in this that all have spiritual *jurisdiction* over their respective subjects, both in the *forum* of penance and in the exterior ecclesiastical or religious *forum*, as is clear from their practice and from the Institutes and Privileges of their Orders.

Secondly, they all have *ordinary* and not merely delegated jurisdiction. As regards the *forum* of penance they all are *ordinary* pastors on whom, in virtue of their office, is incumbent the care of the souls of the religious. In relation to these their subjects the superior and universal prelates are *quasi*-bishops, and the inferior local prelates are *quasi*-parish priests. As regards the exterior *forum*, external jurisdiction is necessary in order to the government of the Order. Although, strictly speaking, dominative power might suffice for external government, and especially for the economic government

of one house, yet it will be more efficacious and useful, if it has power of jurisdiction combined with it; and supposing exemption of the Order from the jurisdiction of the bishops, there must exist within it external jurisdiction and the efficacy of such jurisdiction, because the Order could not be left without a proper governor under the Supreme Pontiff.

Moreover, since the General cannot himself immediately preside over the various provinces, this jurisdiction must reside also in the Provincials; and for the same reason it is necessary that there should be in every house a proper governor who should share the episcopal care, and therefore possession of jurisdiction by him also is morally necessary. In all three their jurisdiction is *ordinary*, as attached to their office.

Thirdly, all three have *quasi-Episcopal jurisdiction*. Jurisdiction may be called *Episcopal* in two senses, first, by reason of the *person* who is invested with it, and as it is due to the Episcopal office, and demands as its subject a person consecrated to the Episcopate; secondly, by reason of the *actions* to which it extends, and which are, of common and ordinary right, proper to the jurisdiction of bishops. There are certain acts of spiritual jurisdiction which of themselves belong to bishops, and belong to others only inasmuch as they share somewhat of the jurisdiction of bishops. The jurisdiction, therefore, of the prelates of a religious Order is called *Episcopal*, because it really extends to acts of Episcopal jurisdiction over their own subjects, such as excommunication and suspension, absolution from those censures, and from cases and censures reserved to the Pope in

certain events, dispensation from vows, absolution from certain irregularities, and the like.

Their Episcopal jurisdiction is called *quasi*-Episcopal, in the first place, because such prelates are not bishops, and because it does not suffice for all Episcopal acts, at least for those which require Episcopal consecration ; although this does not always arise from limitation of jurisdiction, but from absence of the power of Order. It does not however extend to all the acts of even mere jurisdiction which belong to bishops ; and this especially applies to conventual prelates, whose jurisdiction is more limited, so that, for instance, they could not give Dimissorial Letters for the reception of Orders. Even Provincials cannot do all with regard to their subjects that a bishop can do with regard to his subjects, since there are certain matters which are always reserved to the General. Generals have the fullest jurisdiction under the Supreme Pontiff, and yet there are some things which even they cannot do, as for instance, they cannot impose a local interdict. Those things, moreover, which bishops can do not of their ordinary Episcopal power, but specially as they are delegates of the Pontiff, do not fall under the jurisdiction of religious prelates.

Fourthly, all three kinds of religious prelates are equal in this that all have *immediate jurisdiction* over all the religious who are subject to each of them respectively. This is evident as regards conventual prelates, since between them and their subjects there exists no intermediate prelate. The *immediate* jurisdiction of superior or more universal prelates may be explained by

a comparison of it with the jurisdiction of a Bishop, an Archbishop, and a Patriarch. An Archbishop as such has not immediate jurisdiction over all the subjects of his province, but has it as bishop only over those in his own diocese; with regard to the other dioceses, which have each its own bishop, he has jurisdiction mediately only in cases of appeal, unless perhaps on visitation. In like manner a Patriarch has not immediate jurisdiction in the Archbishoprics of his Patriarchate, but at most a mediate jurisdiction determined by law. In the case of religious prelates it is otherwise, for a Provincial can exercise his jurisdiction *immediately* over every religious of his province, equally with the Prior or Rector of that religious; and in the same way the General possesses and may exercise *immediate* jurisdiction with regard to all and every religious of the whole Order.

This system of subordination obtains in all religious Orders which are governed by such prelates, and if by special institute it is otherwise ordained in any Order, this is to be regarded as an exception from what we may call the common law, although there is no written Pontifical general law which ordains such common law. It is a system which is excellently adapted to the religious state, both in order that the welfare and advantage of subjects may be better and more efficaciously provided for by means of several superiors, and that order and subordination may be more perfectly observed; for the local prelates should be as exactly and perfectly subject to the Provincials, and the Provincials to the General, as the least of the religious is subject to his local prelate. This religious jurisdiction is moreover

ordained in order to the complete and perfect observance of the vow of obedience, and since that vow immediately obliges to obeying all those prelates, so in them does their jurisdiction extend immediately to all their respective subjects. From this manifold immediate jurisdiction there does not follow any perplexity or confusion, since it is not devoid of order, and it is not so manifold that it cannot be reduced to unity.

These three kinds of prelates differ one from the other in their jurisdiction in various ways, and especially as to its extent and as to their dependence or subordination. As to the extent of their jurisdiction, and as regards persons or territory, the lowest prelate has jurisdiction only over his own monastery and the persons contained in it; the intermediate prelate or Provincial has jurisdiction only over the persons or monasteries of his province; while the General has jurisdiction over all persons and places of the Order.

Again, the more universal his jurisdiction is over persons or places, the greater is the number of acts affecting both which a prelate can perform. For instance, a Provincial can remove a religious from one house to another, which a Prior cannot do; and the General can remove a religious from one province to another, which a Provincial cannot do. Many things can also be done with regard to the house, or the goods of the monastery, with leave of the Provincial, which cannot be done without it, as for instance, to initiate some weighty and difficult affair, to enter into contracts, and especially to make alienations of goods; and some-

times as regards these the consent of the General is necessary. With regard to this point no general rule can be laid down which should apply to particular cases, because of the diversity of the Institutes and customs of the various Orders; but the general doctrine remains true as regards all Orders.

As these various prelatures have various ends and consequently various means adapted to those ends, so the more universal the good is which is aimed at, the greater is the number of the means and the more universal are the means which it demands. Individual religious are subjected to the universal prelate in more respects than they are to a particular prelate; that is to say, they are subjected to the former not only as they are members of a house, but as they are also members of a province or of a whole Order, to the universal advantage of which they ought to minister and contribute. The universal prelature is also ordained for the good of individual religious; and for this reason likewise a manifold power is necessary, in order that the common goods of the Order should be suitably applied for the greater advantage of individuals, so far as this may be expedient and can be done without damage to the common good. Reason demands that for more important acts and affairs there should be provided a greater power; and it follows that whatever an inferior prelate can do that a superior prelate can also do, while an inferior cannot do all that a superior can do.

The three kinds of prelates differ also in their *dependence*; and in the first place, as regards *origin*.

Inferior prelates derive their origin from superior prelates, that is to say, the Provincial from the General, and a Rector from the Provincial; while superior prelates do not derive their origin from inferior prelates. As regards dependence of origin there is however variety according to the various Institutes of religious Orders, for sometimes the superior prelate *confers* jurisdiction on the inferior prelate, and sometimes he only *confirms* or ratifies it.

When an inferior, as for instance, a conventual prelate has several superiors, it is necessary that as regards his origin, or in the reception of his prelature, he should depend on the supreme prelate, either formally, as when he is confirmed or instituted by him; or *radically*, as when he depends on the intermediate prelate or Provincial who has received power from the supreme prelate; for perfect subordination requires this reduction to the supreme prelate. It is not, on the contrary, necessary that a prelate of the lowest class should depend on the intermediate prelate, for sometimes he may be created or confirmed immediately by the supreme prelate alone. This is not subversive of due order, both because the supreme prelate is his *immediate* superior, and also because the intermediate prelate is bound to consent to the ordinance of the greater and supreme prelate.

When a General is elected by the Provincials or Abbots, or when a Provincial is elected by the Priors or Guardians, the Provincials or Abbots in the one case, and the Priors or Guardians in the other do not elect the General or Provincial respectively, as they are Provin-

ciala or Abbots or as they are Priors or Guardians, but as they are *electors*, and this in virtue of the Institute of the Order. The two offices of prelates and electors are formally distinct, and an act of election does not in itself belong to the jurisdiction of those prelates, and may be shared in by many who are not prelates; nay, a mode of election might be instituted in which Provincials or Abbots, and Priors or Guardians should have no suffrages. A superior prelate therefore never depends on an inferior formally as on a prelate, while an inferior prelate does depend as regards his origin on his superior prelate.

Besides dependence of origin, there is dependence also *in operation*; for while a superior prelate does not depend as regards his actions on an inferior prelate, an inferior prelate does with regard to these in a manner depend on the superior prelate. Although it is not necessary that the superior prelate should actually confirm what the inferior prelate prescribes, yet it is at least necessary in order to the obligation of the precept that he should not contradict it; for the will of an inferior prelate cannot be efficacious against the will of his superior.

Hence follows another mode of this dependence, as therein virtually contained, namely, that the superior prelate can restrict the jurisdiction of the inferior prelate, while the latter cannot limit the jurisdiction of the former. An universal prelate can prescribe *immediately* to all his subjects, and so prohibit them from obeying in this or that matter inferior prelates, as he can also

prescribe to the inferior prelates not to interfere in any particular matter, and the latter will be bound to obey ; and he can reserve to himself absolution for certain sins, judgment in certain causes, certain dispensations, and even the subjection of certain persons. An intermediate prelate can do the same so far as prelates subject to himself are concerned.

Such restriction however cannot lawfully be made without just cause, for every prelate has a real right to his own *ordinary* jurisdiction, and therefore cannot lawfully be deprived of it without just cause. Such deprivation, moreover, without cause would be a punishment without any fault, and therefore is unlawful. It would also be a perversion of an order which was instituted for the common good ; and by unjust restrictions peace is grievously disturbed, and grave scandals arise.

Such restrictions nevertheless are *valid* even if made without cause, since the will of the superior prevails and there is no law to invalidate it ; and greater regard is to be had to the common good than to private injury, and it is for the common good that the restriction should be observed even if it appears to be unjust from an absence of cause. If however it should involve an intolerable offence against good morals, it would clearly and evidently be null and void. Anything, of course, granted to an inferior prelate, over and above his *ordinary* right, by delegation of a superior prelate, may be both validly and lawfully recalled by the same superior, or by an equal superior, that is, by his successor, or by another who is superior to both, simply at his will, and without a special cause, since delegation is a grace and favour.

In such a case, however, accidental damage either to the common good or to the peace and charity of individuals must be guarded against, especially if there should be any semblance of acceptance of persons.

Without a legitimate cause neither a supreme prelate nor an intermediate prelate can lawfully deprive an inferior prelate of his office, when his prelature is either perpetual or bestowed for a definite time. If it is not perpetual or for a definite time but given indefinitely at the will of a superior prelate, it will not be in itself unlawful to deprive him of it, provided that in so depriving him there should be no violation of custom which might rightly beget disturbance or scandal.

It is certain that for a just cause deprivation may be both valid and lawful; since in order to exercise of jurisdiction a just and proportionate cause suffices. Such a cause may be twofold; either just punishment, or the urgency of a greater common good, since the offices are ordained not for the private advantage of the prelates, but for the common good of the Order.

III.—THE ELECTION OF A SUPREME PRELATE IN A RELIGIOUS ORDER; AND THE CONDITIONS WHICH ARE REQUISITE AS REGARDS HIM, IN ORDER THAT HE MAY BE LAWFULLY ELECTED.

A magistracy can be created in two ways, namely, by election, or by the will of a principal or superior prelate; for hereditary succession has no place in the transmission of spiritual power, and nomination by a prelate of his successor, although it does not absolutely involve any

intrinsic malice or contradiction, is not practised in the Church lest the prelature should have the appearance of a legacy, and to avoid the peril of election through private affection, and it is moreover forbidden by the sacred canons. Nomination of a vicar by a dying or outgoing prelate, to preside in the interim during the election of his successor, is not, properly speaking, succession. It is not open to the same objections, and is not forbidden by the canons. In the Society it is granted to the General to nominate a Vicar who immediately after his death should assemble the Society, and who should preside over it until a new General is elected.

The General or supreme prelate in every Order is created by election, since he has within the Order no superior by whom he might be appointed. The Supreme Pontiff might indeed reserve this to himself, and institute and approve an Order with this reservation. The Pontiffs have however refrained from so doing, in order to the greater content of the Order, and for the benefit of its head; who will have in his election a public testimony from his future subjects of his sufficiency and worthiness for the office, and who will therefore be received with greater love and confidence by the whole Order. For a similar reason the Supreme Pontiffs themselves will not nominate their successors, but leave the election of them to the Church. So also the Abbots who were supreme within their own Orders, although subject to the bishop, were elected by the monks, although they might have been nominated by the Bishop or Pontiff alone, if the Church had so willed it. In the same way, at the present day, the Abbesses in those Orders of religious women

which are subject to the bishop, are created by election of the nuns, and not appointed by the bishop.

The election must be lawful, since it has force chiefly from the law ; and the conditions requisite in order to its lawfulness, concern the person elected, the electors, and the form or mode of election.

In the person to be elected two things are to be desired, namely, capacity and worthiness. He must, in the first place, be of lawful age, that is, at least twenty-five years of age. As matter of fact, it can scarcely happen that a General should not be above thirty years of age, the canonical age for a bishop. St. Buonaventure was elected at thirty-five years of age and after only thirteen years in religion, and this was regarded as singular and extraordinary in his day, and was done by reason of his excellence both in virtue and learning. Father Claudius Aquaviva was elected General of the Society at thirty-nine years of age, and after fifteen years in religion, by reason of his admirable gifts both of nature and of grace.

Secondly, he who is to be elected General must have been expressly and not merely tacitly professed, and that in the same religious Order.

Thirdly, he must be a priest, since the priesthood is demanded by the Common Law in every person to whom is committed the cure of souls, or on whom is conferred any benefice or dignity to which this cure or obligation is annexed ; or at least he is bound to receive the priesthood, and he must have already received the tonsure, and so be a cleric and capable of spiritual jurisdiction.

Fourthly, he must not be irregular, as regards disability for the priesthood.

IV.—THE CONDITIONS WHICH ARE REQUISITE IN THOSE
WHO ELECT THE GENERAL.

The election of the General belongs to the Order, which should be assembled by him who is deputed by, and has authority from the Order for this purpose. All those should be called who, according to the Statutes of the Order, have in it a right of suffrage.

Secondly, the electors must be already professed within the same Order; but it is not necessary that they should have been *expressly* professed, as is the case with the person to be elected. More is required in him than in them, for in order that one should have a right to elect, it suffices that he should be truly and substantially a member of the community or Order, and be no less bound than are the other members perpetually to obey his prelate, and this is effected as much by tacit as by express profession.

Thirdly, the electors must be clerics and in Sacred Orders. This is requisite in all Orders of Monks and Clerks-Regular as they exist in the Church at the present day; but in the case of an Order which is composed purely of laymen, such as the Hospitallers, or a military Order, this condition would not apply.

Fourthly, no elector must be under censure by excommunication or otherwise, or under an ecclesiastical disability, or suspended from the function of electing.

V.—THE FORM OR MODE OF THE ELECTION OF A
GENERAL.

In order that the creation of a prelate may be valid, the due form of election must be observed. There are certain things which must precede, certain which must accompany, and certain which must follow the election.

It is necessary in order to a lawful election, that all who have the right of electing should be called. It is not so necessary that they should all be present, because they are not compelled to elect, but only have power to do so if they please. If even the majority should choose not to be present and to elect, the election will not thereby be hindered, and may be made by those who are present. The election should be made in common congregation, in order that it may proceed with greater examination and knowledge of persons, and with greater certainty both as to the suffrages, and as to the merits of the person to be elected. Moreover, that which is the act of one corporate body which has power to constitute for itself a head, should be done by its members in common congregation. This is a substantial condition.

Before the election three of the electors must be appointed as scrutineers of the votes. By these three the votes are secretly and singly collected, and reduced to writing. They are then to be published immediately, or without any moral lapse of time, but without declaring the person in favour of whom they have been given, or how many have fallen to this or that person, the number of persons who have voted for the same indi-

vidual being alone mentioned. This is a substantial solemnity, and is ordained for the greater certainty of the collation of votes which follows, and to preclude all subterfuges and tergiversation. The collation is chiefly of the numbers of the votes, and is of the quality of the votes only in certain cases of question with regard to the powers and rights of voters. If there should be such question, the number of suffrages will be collated to see whether it is such as to preclude all doubt as to the issue, and consequently whether the election is certain, or not. Sometimes also in these elections there are qualified votes which either have preference over other votes, or are themselves equivalent to several votes.

A majority of votes is required, that is to say, a majority of the votes of the whole Chapter; for it does not suffice for one person to have more votes than all the others, if the number of votes given in his favour should not amount to a majority of the votes of the whole Chapter.

After the collation of the votes, the election is to be made; for, although it might seem to have been made by the voting, it has nevertheless not yet been made. The election is, as it were, an act of the Chapter as it is one whole, and this is not held to be made or completed until one person in the name of the whole Chapter speaks and elects the future prelate. This is of the substance of the election, or rather is the substance of the election which is not reckoned as made until this is done, and no right is conferred if this is omitted.

The Council of Trent strictly forbids the names of the

electors ever to be published; but such publication, since it is subsequent to the election, cannot be of its substance, or affect its validity.

All that is required after the election for the person elected to obtain the full right of prelature, is Confirmation. This is necessary by Common Law, and belongs to the immediate superior of the prelate elect; and in the case of a General or supreme prelate, to the Supreme Pontiff alone. If any one should exercise his prelature without having obtained confirmation, he will be deprived of the right which he has acquired by election.

According to the privileges and indults, however, of many religious Orders, special Confirmation is not necessary; for, since the election is made in virtue of those privileges by the authority of the Apostolic See, when a religious is publicly declared to have been canonically elected, he is held also as confirmed by the same Apostolic authority. To him all do reverence as to their supreme prelate, and he proceeds forthwith to preside over the General Chapter, and to exercise his office.

VI.—THE ELECTION OF OTHER PRELATES WHO ARE INFERIOR TO THE GENERAL.

All prelates inferior to the General can be created by means of election; but election is not necessary as a means in order to their creation as it is for the creation of the General. After the whole Order has been put in possession of one supreme internal head (that is, as distinguished from the Supreme Pontiff), inferior prelates,

both intermediate prelates and prelates of the lowest rank, can be created by him ; either immediately by his appointing both kinds of prelates, or by his appointing intermediate prelates, and through and by means of them appointing the lower prelates. In the Universal Church the election of one Vicar of Christ is necessary, but in order to the existence of inferior prelates, such as Bishops, Archbishops and Patriarchs, election is not strictly necessary ; for these could be provided by the Vicar of Christ if he chose to do so by himself alone. The monarchy of any particular religious Order differs from the monarchy of the Universal Church in this, that in the Universal Church the supreme power of government resides absolutely in its Head, and cannot be limited by any one less than Christ ; while, in a religious Order, on the other hand, the whole power of jurisdiction flows from the Pontiff, and although a principal power is communicated to the General, it is nevertheless given with limitation to this or to that mode of regulation. When therefore the Institute of an Order approved by the Pontiff requires *election* of its prelates, this mode of their creation is to be observed.

Inferior prelates must be at least five-and-twenty years of age, and must have been *expressly* professed in the same Order, although it is not necessary that they should belong to the same house or province. The corporate unity of the Mendicants and similar Orders, is such that distinction of places and provinces is as regards them a very accidental matter ; and therefore in the election of a Provincial, it is not in itself a matter of consideration that he should be a son or inhabitant of

the same province ; or in the election of a conventual prelate, that he should belong to the same convent. More weight is still given to this in monastic orders, although even as regards this they are now nearly all reduced to the same standard, by which identity of order, profession and habit is alone necessary. Order and profession are here practically synonymous, for there can never be a diversity of order without some diversity in profession, at least as regards the vow of obedience. The prelate to whom profession is made, the Rule, and the delivery of himself made by the religious must in some way be different in one Order from what they would be in another Order.

As regards diversity of habit, it has to be considered whether it is a *quasi*-substantial, or a merely accidental diversity. A variety of habit is reckoned *substantial* when it proceeds from a diversity of *Rule*, as a change of habit is substantial when it is contrary to the disposition of the Rule. A substantial distinction of habit therefore rightly hinders election. But an accidental distinction of habit, whether in colour or in shape, which is not contrary to the Rule, but is permitted under the same Rule, will not hinder election. During his period of office however the prelate elected should conform his habit to that of the others, or at least his outer habit, in order that there should be no external diversity between head and members.

The Council of Trent supposes with regard to nuns that the Abbess should, as far as possible, be elected from the same monastery, and only concedes that under certain circumstances she may be elected from another

monastery of the same Order. The Council adds two conditions to the election of an Abbess or Prioress, which are not necessary in the case of men, namely, that she should be forty years of age, and that she should have lived eight years in religion after *express* profession. These conditions are however not declared by the Council to be substantial, so as to invalidate an election, but amount to a simple prohibition. They are not moreover laid down as absolutely necessary, but only if they can possibly be observed. If they cannot, the Council grants that an Abbess may be elected who is thirty years of age, and who has lived in religion five years since her profession. These conditions, moreover, it is to be understood, cannot be observed not only when they are not to be found in any religious of the same monastery, but even when they are found in some religious of exemplary life, but who do not possess certain qualities necessary for government. Antiquity of profession is not regarded as a condition so necessary as that of the age of thirty years, so that if none of the nuns in a monastery who are fit for government should be thirty years of age complete, no one of less age, even if she had been a religious for more than eight years, could be elected, but either recourse must be had for an Abbess to another monastery of the same Order, or a dispensation must be sought from the Supreme Pontiff.

A third condition which is necessary in him who is to be elected prelate, is that he should be a priest, or in sacred orders; and this is as necessary for inferior prelatures as for supreme prelatures.

Fourthly, he must be of legitimate birth; for this is

necessary for every office of religion which has spiritual jurisdiction annexed to it of *ordinary* right.

VII.—IS RELIGIOUS PRELATURE PERPETUAL? AND FOR HOW LONG CAN OR OUGHT IT TO CONTINUE?

Religious prelature is not, in the nature of things, either perpetual or temporary, but either mode of institution is possible. There does not exist in the Catholic Church any prelature which is of Divine law absolutely perpetual, so that he who possesses it cannot be deprived of it against his will; except only the Supreme Pontificate. There is also no precept of Common Law which defines that prelatures should be perpetual, as there is likewise no precept which forbids their perpetuity.

By reason of the special laws of the various religious Orders there exists great variety as regards the duration of religious prelatures. The General is very frequently temporary, and continues in office for a longer or a shorter time; among the Friars Minor and the Carmelites for six years, and in many other monastic bodies for three years. In some Orders his office is perpetual, or for life, as among the Carthusians and the Friars Preachers, and in the Society. The Augustinians observe a middle course by the holding of General Chapters during the life of the General, and voting either for retaining the same or for creating a new General. They cannot however without reasonable cause make a change, and so their General is as matter of fact perpetual, except in the case of its being determined, in the prudent judgment of the Order, that he should cease to rule.

All other and inferior prelates are in all religious Orders temporary, and this in accordance with their Constitutions, Ordinances or Apostolic Indults. Only in the Carthusian Order are the Priors perpetual, unless perhaps in some particular monasteries of other Orders, especially of nuns; and where this is the custom or institution, it is to be observed.

As regards the advantages or disadvantages of perpetuity of prelature and temporary prelature respectively, it is argued on the one hand that the latter is prejudicial to the spiritual welfare and tranquillity of souls, by reason of the disadvantages which it occasions. It is urged that thereby prelates are in a manner rendered dependent on their subjects, and that consequently the vigour and authority of a prelate is very much lessened, and that temporary superiors fear rather than rule their subjects by whom they may be either raised up or cast down. It is further argued that temporary prelature is to many a source of ambition, which is the pest of religion, that from ambition follows enervation of discipline, since those who nourish a desire to be elected will greatly dissemble, in order that they may ingratiate themselves with the voters, and that the consequences are subornations, collusions, and even simonies, conventions, hatreds, intestine dissensions, murmurings and so on.

It is also urged that in perpetuity of religious prelature—which seems favoured by the universal custom of the Church with regard to bishops, who are perpetual (as are also the prelates of secular Churches), so that

the translation of bishops is as a rule discountenanced by the Church,—there are not only avoided the disadvantages and perils which flow from frequent elections, but there are secured many advantages which arise from the long continuance of the same person in the same office, such as the greater love which is begotten by long association and a perpetual bond, the greater care which a man has for the office in which he is to continue, and his greater experience which contributes not a little to his providence and government; all of which are wanting in temporary prelates who are liable to removal just when they are beginning to have experience in their office, and who may come to care but little for matters of perpetual interest and importance, being content that there should be peace in their days.

On the other side it is argued that the alteration of one old custom is of more moment than the old custom itself, since that alteration has been made not in one or two places but throughout the whole Church, and not only in Orders which have in somewhat fallen from their fervour but in those which have preserved it, or have been recalled to it, or have been newly instituted. This is, it is argued, a sign that the alteration did not spring from private error or imperfection, but was introduced because it was found by experience to be advisable. The Apostolic See, it is added, has always shewn itself more favourable to religious prelates being temporary, and has changed prelatures from being perpetual into being temporary, but never from being temporary into being perpetual. It is argued also that

the disadvantages which are alleged to arise from temporary prelatures do not arise so much therefrom as from the mode of election ; and further that while a religious superior should be a father rather than a lord and master, he is easily led by perpetuity of tenure to forget the paternal spirit, and by degrees to assume the lordly spirit. It is also maintained that as, in order that he may fitly prescribe, it is very necessary that he should be habituated at intervals to obey, so that he may have compassion and sympathy with the necessities and even with the frailties of his subjects, he should sometimes suffer from the difficulties of obedience, and be himself for a time dependent on another prelate ; and that otherwise the security of perpetual office is apt to render him negligent not only in temporal, but also and much more in spiritual matters. And finally, it is argued, if one and the same person always governs, the others have no opportunity of being trained in government, and cannot acquire any experience in governing, and that therefore few are, when occasion arises, found fit for office ; whereas, if several were successively to govern, more persons would be recognised as fit for government, who would otherwise remain unknown, since “magistracy shews the man,” and by experience and practice they would be made perfect, and so the Order would abound with men who should be well fitted for any dignity or prelature.

Where elections, especially if made by a Chapter or a congregation of many persons, can be avoided, it is in itself more fitting, and more in accordance with the

religious state that prelatures should not be perpetual. The religious state is not in itself a state of prelature, but is a state of subjection and humility, and it admits of prelature only from necessity. By temporary prelature, moreover, there is preserved that equality which is necessary in order to religious charity; for when he who presides to-day will to-morrow be a subject and on the level with others, he will not now be over elated, and they will then be edified. Moreover, religious government should be founded in charity rather than in any other human respect, and, if this is so, it will be entered upon and exercised with no less care and solicitude when temporary than it would be if it were perpetual; while, if it is otherwise, it is so much the more expedient that the government should not be perpetual, for the longer it lasts, the more will it degenerate. Lack of experience is a disadvantage which occurs only at the beginning, and as a rule does not last long, for the affairs of one religious house are not such that they cannot in a short time be learned by experience, and he who has had experience of a few houses, will soon gain experience of a province. Besides, new superiors while yet inexperienced may be aided by the example of their predecessors, by the counsels of those around them, and by the admonitions of superior prelates, and being thus guided they will not go far wrong.

Where, however, prelatures are conferred by election, it is, morally speaking, more advisable that they should be either perpetual or of long continuance, and this by reason of the disadvantages and perils which from human frailty are apparently so intrinsically connected

with elections, that it is more difficult to avoid them than to avoid the evils which are wont to arise from perpetual or long-continued prelature.

Hence many religious Orders, in which the prelatures are temporary, have either done away with elections, or have confined them to a council consisting of a small number of grave persons. Those Orders which retain frequent or triennial conventual elections have done so either because they could not conveniently provide otherwise, as in the case of monasteries of nuns; or because they have not yet experienced these disadvantages, but do all things with the simplicity and religious purity which is so very desirable.

Where temporary prelatures are conferred by one superior Head, the term of their continuance may be left to his judgment and discretion, although it is better that it should be fixed, as leaving him more free to make a change without offence or suspicion of censure of the outgoing prelate. Where temporary prelatures are conferred by election, on the other hand, it is almost necessary that the term of their continuance should be fixed, for to leave it indefinite and at the discretion of any one, would be virtually to commit to that person a new election.

In many Orders it is ordained, and approved by the Apostolic See, that the same prelate should not be again elected immediately but only after the lapse of a certain time.

VIII. — HAS THE PRELATE OF A RELIGIOUS ORDER
POWER TO BIND HIS SUBJECTS IN CONSCIENCE ? AND
WHEN ? AND IN WHAT WAY ?

Power of jurisdiction, although according to its adequate idea it is one, may as it relates to various acts be conceived as manifold, as voluntary or not voluntary, as directive and as coercive, as power of binding or loosing or dispensing.

In every government, the first and most necessary power is the *directive*, to which it belongs not only to give counsels (for this can be done without special power), but to give laws or precepts. It is therefore certain and, looking to the universal consent of the Church, it is of faith, that the prelate of a true religious Order can bind his subjects in conscience by his law or just precept.

There is a twofold title, or ground of this power. The first is the vow of obedience, by which the religious is bound to obey ; and since the vow itself does not oblige to a particular act save through the intervention of a command of the superior, the superior is therefore rightly said to have power of so prescribing that the subject should be bound in conscience to obey. The second ground is the ecclesiastical jurisdiction granted to religious prelates, which jurisdiction suffices in order that their subjects should be bound in conscience by their laws or precepts.

A personal precept, however, is one thing and a statute by way of law is another. By personal precept all who have any jurisdiction may more or less, accord-

ing to the mode of their jurisdiction, prescribe so as to bind in conscience. All cannot, on the contrary, so prescribe by way of law, but those only who have a *principal* jurisdiction such as is required in order to make laws.

In a religious Order, therefore, it belongs to all its prelates to direct their subjects by means of precepts binding in conscience, and this in proportion to their respective jurisdictions; for conventual prelates can use the power committed to them only over the religious of their own monasteries, the Provincial over those within his province, the General over all within the Order.

Neither inferior prelates nor Provincials have ordinary power to make perpetual statutes which should have the character and force of laws. It is true that they have *quasi*-Episcopal jurisdiction, but there is this difference between them and bishops that the bishops derive their jurisdiction immediately from the Supreme Pontiff, and are themselves also immediately under him, and that therefore they have jurisdiction to make statutes, being as it were Princes of the Church under its Supreme Head; while the Provincials of religious Orders derive their jurisdiction not immediately from the Pope, but either from the General or from the Order, and it is subject to and dependent on the General. Jurisdiction therefore is not granted to them apart from the General to make statutes, that being a most grave matter, and one which concerns the whole body of the Order, and consequently requires the action of its organic head.

Not even to the General himself apart from the

General Chapter, is so great a power wont to be granted, because, although he is, as it were, the proper Bishop of the whole Order, constituted immediately under the Supreme Pontiff, yet he is not absolutely the supreme tribunal of the Order, for the General Chapter is superior to him. To the General Chapter, therefore, this power is, as a rule, reserved.

One religious Order, under the standard of one General, and sometimes assembled in one General Chapter, forms one body-politic, and should preserve unity as much as possible, and so not only the substantials of the Rule, but also the perpetual statutes and laws or constitutions should be the same throughout the whole Order. When a difference is necessary, and especially if it is to be perpetual, it should not be made without the motion or consent of the head or whole body.

As this, however, although consonant to reason and to the well-ordered existence of the religious state, is not of common law and necessary obligation upon all, the Institutes and Indults of particular Orders are to be consulted, and that is to be observed which is ordained in them, and has been expressly or tacitly confirmed by the Apostolic See.

For precepts which are imposed on particular persons, unless they should be very grave, burdensome or extraordinary, the authority and judgment of the prelate will of itself alone suffice without other counsel; both because such precepts are ordinary and easy, and also because it would be very irksome to assemble a council for the sake

of every single action or individual religious. As regards graver precepts, even if they affect one person only, prelates should take care that they do not impose them without sufficient counsel, and such counsel at the least as the Order prescribes, and more if the matter should demand it; for prudence requires that a grave affair should not be transacted without mature counsel, since a right judgment depends on many circumstances and reasons and sometimes on special laws. If prelates do otherwise they may sin grievously, either by reason of a positive law, or of rashness and risk of error. When the obligation to take counsel arises from positive law it is equal as regards all, but the obligation which arises from natural law is not equal but proportionate, for one prelate may need counsel more than another. Still more is counsel to be taken if a precept is to be imposed upon a whole community, and especially if it is to continue for any length of time, since then it becomes a very grave matter.

When the government of a religious Order is not purely monarchical, but is partly aristocratic, counsel belongs to the substance and validity of a precept, since it is then not only counsel but a judgment and definition; for the suffrages are in that case not only consultative but definitive, and therefore the power of prescribing is vested not in the one person of the prelate, but in the Council. The power of a prelate is, however, rarely limited in this way as regards particular or transitory precepts which have reference to a single act.

When the government of an Order is purely monarchical, the power of prescribing is vested in the prelate

alone, although it may depend upon the Constitutions of the Order whether counsel is or is not of the substance of his precept. Sometimes it is of the substance of the precept *to have taken counsel*, although, after having listened to it, whatever the prelate ordains is valid, even if it is contrary to the suffrages of his consultors. If in this case counsel should be omitted, his precept will not oblige; but it will oblige after counsel, even if it is contrary to the counsel given.

When counsel is required only in order that an act should be *rightly* done, the precept will be *valid* without previous counsel.

Counsel is still more necessary in order to prescribing by means of laws or perpetual statutes. Such statutes cannot be made by prelates apart from a Chapter, nor by a Chapter without consent of the prelate. There is a difference as regards this, between a General Chapter and a General Prelate. A General, in order to make a perpetual statute, requires the concurrence of the Chapter to this extent that, unless a majority should concur, the law cannot be made. A Chapter, on the other hand, although it cannot without the presence and presidency of the prelate, either by himself or by his vicar, make a law, yet the making of the law does not depend on the consent or affirmative suffrage of the prelate. If the majority of the Chapter is in favour of the making of the law, even if the General Prelate should be of another opinion, the vote of the Chapter will prevail, and the law will be made. The reason is, because the power which is vested in the Chapter is adequate, and within the Chapter the prelate is only one of the voters, and

his suffrage is at most equivalent to two, or is decisive then only when there is an equality of votes. In this the Chapter of a religious Order, as compared with the General of the Order, differs from a General Council as compared with the Pontiff, and from the Chapter of a Cathedral Church as compared with the Bishop. In a General Council, a law cannot be made even if the whole Council should be in favour of it, if the Pontiff is against it. The same is true of a Cathedral Chapter, as regards the more important laws, which it cannot make without consent of the Bishop. The reason is because the Pope is superior to a Council, while a General Chapter of a religious Order is superior to its General Prelate. A Bishop also in comparison with the Chapter of his Church is to be regarded not as giving an individual suffrage with regard to this matter of making a law or Capitular Constitution, but as he is a superior with power to confirm or invalidate a law.

The General Chapter of a religious Order has power, during a vacancy and before the election of the General, to make perpetual laws ; and this it can do of the nature of the case or by common law, if it is not hindered by any special laws of the Order or by Pontifical Indults. The reason is because that Chapter possesses supreme jurisdiction over the Order derived immediately from the Pontiff, and although the Order has at the time no General, yet it cannot be without a Vicar or President who for the time being has, along with the whole Chapter, the same power to prescribe or make statutes which the Chapter along with a General already elected would possess. There is no similarity between this case

and that of an acephalous General Council, assembled during a vacancy of the Apostolic See, for such a Council does not possess power equal to that of the Supreme Pontiff, nor to that of a General Council where the Pontifical authority is present; and an acephalous Council cannot therefore make universal laws which would be of perpetual obligation, unless these should be approved by the Pontiff after his election.

There is a greater similarity between the General Chapter of a religious Order, during a vacancy and before the election of its General, and the Chapter of a Cathedral Church during a vacancy of the See; for a Cathedral Chapter during the vacancy can make diocesan laws which will endure and oblige even after the election of the bishop. The reason is because a Cathedral Chapter, during a vacancy of the See, possesses *ordinary* Episcopal jurisdiction. Its statutes may however be revoked by the bishop after his election, since its power is not more than equal to his, and a bishop can revoke the law of his predecessor. A statute, on the contrary, made by the General Chapter of an Order, during a vacancy of the Generalate, cannot be revoked by the General after his election, without the consent of the same or of a similar Chapter, since his power is not equal to the power of such a Chapter.

A precept must be sufficiently proposed, for otherwise it is not applied so as to oblige. If it is a *private* precept, it must be sufficiently *intimated* to the particular person on whom it is imposed. It is not necessary that the superior should prescribe in person, but it is sufficient

if he does so by a messenger who is worthy of credit, or by letters under his hand ; unless the Order should by a special law demand some other ceremony to be observed in the intimation of a precept, in which case such ceremony is to be observed. But in that case the words of the law must be carefully studied to see whether the form prescribed is required only in order that there may be evidence in the exterior *forum* with regard to the imposition of the precept, or whether it is required in order also to the substance and validity of the precept. When the first is the case, it suffices, in order to obligation in conscience, that the will of the superior who prescribes should be sufficiently known, in whatsoever way it may be made known.

The same holds good with regard to precepts which are imposed on the whole of a community, not by way of statute, but by way of precept only. In the case of statutes, solemn promulgation is necessary, as in the case of laws, since statutes are truly laws. If the mode of promulgation has been defined by the Constitutions of the Order, it is to be observed, and before the statute has been promulgated in conformity therewith, it will not bind in conscience, even if its existence should be privately known.

Laws, to have obligation in conscience, must have regard to subjects ; and novices are not of the number of those subjects who can be bound in conscience by the precepts of their prelates, either in virtue of the dominative power of those prelates, or in virtue of their power of jurisdiction, since novices have neither made a vow

of obedience, nor have they subjected themselves properly as religious. Since, however, during their noviceship they are under the pastoral care of their religious prelates, they can be bound by them as regards those matters which of themselves fall under Episcopal jurisdiction, as, for instance, to tell the truth in a case in which they may be lawfully interrogated, or to avoid such and such an occasion of sin, or to make restitution. They can be compelled to this by means of censures, since such matters belong to the ordinary jurisdiction of bishops, and this power cannot be exercised by the bishops with regard to the novices of exempt religious Orders.

The supreme prelate of an Order is himself bound by the statutes of a General Chapter, because it is superior to him, and by its laws equally binds both him and the individuals of whom it is composed. Its statutes bind him not only as regards their *directive*, but also as regards their *coercive* power, because they are the laws of a superior. With regard to them, therefore, the principle has no place, that a prince is bound by his law as regards its *directive*, but not as regards its *coercive* power. Hence in those Orders in which the Generals are temporary, they are rightly punished at the end of their term of office if they have transgressed the Constitutions, since they had rendered themselves liable to punishment; although during the period of their Generalate they could not be punished for lack of a superior within their own Order, although they might have been justly punished by the Pope, if he had been made aware of their faults. Even during their

Generalate, if a General Chapter should be assembled, it could take cognizance of and punish their transgressions. If by reason of any special Institute a Chapter does not possess this power, this must be in virtue of a special concession or reservation of the Pontiff; and therefore recourse is to be had to him for the correction of such offences.

If a General Chapter were to offend against regular observance, not as individuals, but as it is a whole, or corporate body, it could indeed be punished; but, by reason of its lack of a superior within the Order, it could be punished only by the Supreme Pontiff.

Precepts or ordinances which are *not laws* may be more easily imposed by prelates alone, and especially by the supreme prelates of an Order.

If the matter and character of such precepts should be common to the prelates themselves, they will be bound in conscience to their observance, either from the general principle that a prince is bound to observe his own laws, which principle extends also to general precepts; or from the interpretative will of the whole Order, and its implicit covenant with the prelate, this being a necessary condition to the due fulfilment of his office, which is therefore bestowed and accepted subject to this burden. This is true of all prelates, Provincial and Conventual as well as General, when they prescribe generally to their subjects; but it is not true of a superior prelate with regard to the precepts of an inferior prelate, since he is in no way subject to the latter, or bound in virtue of his office to conform himself to his precepts either directly or indirectly.

Apart from Constitutions or customs which may ordain otherwise, and looking simply to the common law, superior prelates, such as Generals or Provincials, while they are guests in a Province or House, are bound to observe the statutes and customs of the place; for this the general idea of society demands, and the obligation of guests so to conform themselves is a general precept which belongs not to one province or place, but is common to all.

Since no statute of a religious Order can have the force of a perpetual law, until it has been confirmed by the General himself, it cannot be said to be imposed merely by an inferior prelate, even if it is not universal for all places.

As regards the extent of the obligation in conscience of the precept of a superior, it is certain that he has power to extend it to mortal sin, since that power is founded in the subject's vow of obedience and in the superior's jurisdiction.

The question as to when the precept of a prelate is such as to oblige under mortal sin, depends for its solution upon two necessary conditions, namely, the existence of matter which is capable of such obligation, and the will of the prelate. Matter which might in itself be light, may in the religious state, by reason of its end and circumstances, be grave. According to the common custom of religious Orders, ordinary oral precepts of superiors are not held so to oblige that, apart from contempt, their transgression from negligence or any other cause should be mortal, even if the matter should be

grave and the words be preceptive, such as—*I command*, or, *I prescribe*; or imperative, such as—*Do this*. But if a prelate in prescribing adds words by which he sufficiently indicates his will to oblige in conscience as far as the character of the matter will permit, then if the matter is grave the obligation will be under mortal sin. What such words or signs import depends in particular Orders on their practice, but the common signs are when the superior prescribes—*In virtue of obedience*, or, *In virtue of holy obedience*; and in some Orders it suffices to say—*In the name of Our Lord Jesus Christ*. When a precept is imposed under excommunication, that is also a sufficient sign of its obligation under mortal sin.

A superior has power to prescribe to his subject even when the precept entails peril of death, as for instance, when a religious has a contagious and mortal disease, the superior can prescribe to another religious to minister to him even at the risk of his life, for this is necessary to the government of a monastery and in order to its common good. Charity itself obliges the religious body to the succour of its members, and it belongs to the superior to reduce this charity to practice in individual cases, by distributing and determining or assigning to and enjoining on individuals its exercise. A superior may also prescribe to a religious to assist during a time of pestilence, if it is expedient for the common good, and in any way belongs to the obligation of his Order, either from its peculiar Institute or by reason of grievous necessity.

IX. — DOES THERE EXIST IN RELIGIOUS PRELATES A
COERCIVE POWER, BOTH UNIVERSALLY, AND SPECIALLY
AS REGARDS SPIRITUAL PUNISHMENTS ?

That in religious prelates there must be some *coercive* power is manifest, both from the fact of the exercise of it by them, in universal practice, and because *directive* power without some coercion would be feeble and almost useless ; since without fear and discipline a human community, however good it may appear to be, cannot in this mortal life be kept to its duty, for the corruptible body bears down the soul, and the flesh lusts against the spirit and often conquers, and so the just man falls seven times. Coercive power is therefore necessary that order, and peace, and the religious state may be preserved. In that state, there must be distinguished what is intrinsic to it and of its nature, and what has been extrinsically superadded to it by the providence and liberality of the Pontiffs.

As regards what is intrinsic to the religious state, a religious prelate, in virtue of the profession and vow of obedience of his subjects, has power of coercion only in a paternal manner, and within the limits of his religious Rule. He has not jurisdiction but only dominative power, similar to that which the father of a family has in his house. He differs from such a father only in this that the latter is occupied about external and corporeal things, while he is chiefly concerned with spiritual things. They agree in this that neither possesses proper jurisdiction, and so neither is properly a judge who can impose a grievous corporal or spiritual punish-

ment, but both can only administer such correction as may have place within the sphere of the family. This is apparent in the case of nuns, among whom there exists a coercive power in accordance with the Rule, although the superiors have no jurisdiction and in their religious discipline they make use only of the lighter punishments ; for if more grievous punishment is found to be necessary recourse has to be had to the prelate to whom the community is subject. So also in Orders of men a Vicar, although he has not jurisdiction, has nevertheless a coercive power, which does not extend beyond light and ordinary punishments ; and this was the case in religious Orders in the ancient times, when the superiors were not priests, and had no jurisdiction. This power is founded simply in the vow of obedience, and in a manner emanates therefrom, and therefore does not go beyond the common and ordinary intention of those who make this vow.

But, secondly, prelates of religious Orders possess, in virtue of their ecclesiastical jurisdiction, a perfect coercive Episcopal power. This is manifest both from their practice and from the privileges of all exempt Orders.

There exists in an ecclesiastical prelate a twofold power of coercion, to wit, a spiritual and a corporal power. The former is exercised chiefly by means of censures or irregularities, or disabilities for certain spiritual goods, rights, ministries and the like. The latter extends to chastisements and afflictions of the body, public reproofs and denunciations, imprisonment, condemnation to menial or laborious works or ministries,

and deprivation of the use of certain things otherwise allowed or due to the individual in accordance with the Rule.

As regards the power of inflicting spiritual punishments, if there is any limitation of it in the concessions of the Pontiffs, or in any distribution or application of it to the prelates themselves made by the Order in its Chapters, or by any superior who has power to limit it, such limitation is to be observed. But when the concession to rule and govern a religious Order which has been received immediately under the protection of the Supreme Pontiff, and has been exempted from the jurisdiction of the Ordinaries, is indefinite, such power has no limitation except that which attaches to it of the nature of the case, or which it has by common law. Hence such prelates have power to coerce their subjects by any ecclesiastical censures whatsoever which could otherwise be justly imposed on persons guilty of the same crimes. Since this power resides in bishops, it resides also in religious prelates; and since these prelates can excommunicate, they can also inflict other censures.

Abbesses can inflict on the nuns their subjects such punishments as separation from the common table, or from the choir, or from the society of their religious sisters, and the like, if such punishments are otherwise conformable to their Rule or custom, and do not exceed the ordinary mode of religious discipline. Such punishments are not properly spiritual, but are rather corporal, being by way of exile or separation.

This power might extend even to something spiritual, as when a nun is commanded not to communicate on such a day, or not to pray but to labour at some work by way of punishment. But such punishments, if sometimes permitted, are not imposed by proper jurisdiction, but only as commanded by dominative power; and they are not inflicted as properly spiritual privations, but as conveying some censure or causing shame. Looking therefore to ordinary and common law, Abbesses cannot impose spiritual punishments inasmuch as they do not possess the necessary jurisdiction.

It is true that Abbesses have sometimes, in virtue of special Privileges, had power to confer benefices, and the right of instituting to them, and consequently of suspension from them, and even of suspending from the exercise of Orders, in the sense at least of prescribing to clerics that they should not celebrate. This subjection however, was not in virtue of any proper spiritual jurisdiction, but by reason of a dominion or jurisdiction which, while substantially temporal, was at the same time connected with ecclesiastical goods and persons, and therefore might be called ecclesiastical, and to this extent spiritual. In this way Abbesses have sometimes had the entire administration and government of all the goods of a monastery, which are ecclesiastical goods, and among which were often included towns and castles, the whole temporal jurisdiction of which belonged to the monastery and was committed to the Abbess, and sometimes extended even to the persons of clerics, so far as regarded prescribing to them and chastizing them.

These acts are not in themselves spiritual but, so to speak, corporal acts. The Church nevertheless has reserved them to herself by reason of the dignity of clerics, although she has sometimes committed them by ordinary jurisdiction to persons who, although not in Orders, are ecclesiastical persons, and placed in ecclesiastical dignities. But properly spiritual acts, or direct acts of spiritual jurisdiction are never committed to such persons. At the most there is entrusted to them an act which is a condition, given which a spiritual act is done by the ecclesiastical prelate to whose power it belongs. When leave, for instance, is granted to a penitent to choose a confessor, this leave does not give the penitent power to bestow on him jurisdiction, but only power to designate the person to whom jurisdiction is to be given. When, in like manner, an Abbess is said to have power to confer a benefice, or the right to institute to it, or the like, this is to be understood of her right of presentation or designation of the cleric on whom the benefice or ecclesiastical jurisdiction is to be bestowed; for to bestow jurisdiction or a benefice, so far as the spiritual right which it includes is concerned, is an act of the Keys, the power of which is, according to the ordinary and perpetual law of the Church, not communicated to women. To give possession of a benefice is not strictly an act of proper spiritual jurisdiction in him who executes it but in him who prescribes it, and an Abbess in such a case is in the position of the person to whom execution is delegated. Deprivation of a benefice by way of punishment is also, when entrusted to an Abbess, not properly an act of spiritual jurisdiction, but an act

on her part which is a condition, given which the Pontiff deprives the priest of his spiritual jurisdiction.

As regards power of excommunication, although it does not exceed the power of the Pontiff to grant this to Abbesses, not directly and so far as effecting a spiritual bond is concerned, but by designating a person whom the Pontiff straightway binds at the declaration or will of the Abbess, yet as a rule this is not granted to them, and perhaps from fear of its abuse. Power to excommunicate by means of their officials has sometimes been granted to Abbesses ; but in such cases the officials received their power of excommunicating not from the Abbess but from the Supreme Pontiff, although it was to be exercised at the mandate or designation of the Abbess.

X. — DOES THERE EXIST IN RELIGIOUS PRELATES A
“COERCIVE” POWER AS REGARDS CORPORAL PUNISH-
MENTS ?

The coercive power of religious prelates as regards corporal punishments does not extend to the punishment of death, which cannot be imposed by any ecclesiastical judge ; nor does it extend to mutilation of a member, or to public flagellation. But a religious Prelate can punish a subject with exile, by sending him to another or distant house or province within the Order ; or by expulsion from the Order. He can also prescribe to him certain grievous penances, such as works or labours which are either hard and rough or humiliating and abject, according to the nature of his misdeeds. He can

also imprison him, and the religious is bound not to escape, both by the law of justice and by that of obedience, by which he is bound to submit to a just sentence, and further to remain in the cloister, and within the bounds prescribed to him by his prelate.

XI.—CAN RELIGIOUS APPEAL FROM THE SENTENCES AND PRECEPTS OF THEIR SUPERIORS?

To appeal from the sentence of a religious prelate who has inflicted a grievous punishment, in a case in which it would be lawful for a secular cleric or for a layman to appeal from the sentence of a lawful judge, in the belief that the sentence was either unjust or too severe, and in the hope of its being justly mitigated by a superior tribunal, is as a rule forbidden to religious. It is an axiom that—"amongst good religious the word *appeal* is not to be heard."

It is however one thing to *appeal*, and another to *have simple recourse* to a superior. To appeal is to have recourse to a superior prelate in such wise as to suspend the jurisdiction of the inferior prelate, both as regards its force of obligation through the precept or sentence which is appealed against, and as regards his power of proceeding with the cause which is being tried.

By *simple recourse* neither effect is produced, and such recourse to a higher legitimate prelate who has jurisdiction, is nowhere denied to a religious subject; for this would be against all reason, since no injury is done to the proximate prelate, who in the meantime is obeyed. The subject is moreover only using

his right, since the General or Supreme Prelate of a religious Order, although he is universal in his prelature, has nevertheless, as we have seen (vol. ii. p. 100), *immediate* jurisdiction over his subjects individually, and therefore it is lawful for them and any one of them to have recourse to him. It is lawful not only when the punishment imposed appears to be excessive; but even when, although it was just, and according to the Rule, the case is at the same time such that a higher prelate might justly grant some grace or *quasi*-dispensation. There can in no way be any harm in procuring this, so long as the statement made to the superior is true and sufficient, so that the grace or remission should not be surreptitious.

Such recourse is lawful not only to the higher prelates of the Order, but also to the Supreme Pontiff or to any one else who has jurisdiction sufficient for changing the precept or punishment imposed on a religious by his superiors.

It is not lawful for religious to have recourse even in this way to externs, since externs are not superiors and have no jurisdiction. The intercessions of externs are a source of great disturbance in religious Orders, as bringing a certain moral violence to bear upon superiors; for, if they are not condescended to, enmities are engendered, or at least friendships are dissolved or weakened; while, if by reason of them too great indulgence is shewn, religious discipline is enervated with no little damage to religion. Hence religious and upright prelates are not only not biassed in favour of their subjects by such intercessions but rather resent them, and shew

themselves harder and more difficult to the religious in whose favour they have been made. They should do this however with prudence and moderation, lest scandals and greater evils should be the consequence.

Since by simple recourse without true appeal the injuries which religious may sometimes suffer are not always sufficiently remedied, we have confined ourselves to saying that appeal is as a rule forbidden to religious ; for it is sometimes a necessary means in order to counteract grave and manifest injury.

But it is not sufficient that the justice of the sentence should be doubtful ; its injustice must be clear. The punishment appealed against must moreover be grievous, for ordinary corrections which entail no dishonour or extreme suffering, are not to be regarded as matters of appeal, but should be humbly and devoutly borne by those for whose welfare they are enjoined. If appeal were allowed, with regard to ordinary corrections in accordance with religious discipline, from the Prior to the Provincial, or from the Provincial to the General, it would breed great disturbance, and religious discipline would be at an end. The reverential fear due to inferior prelates would vanish, and superior prelates would scarcely find it possible to give themselves up to settling all the causes and appeals of individual religious ; and so partly by delays and partly by frauds and diplomacies it would come to this, that there would be scarcely any religious correction. Moreover, when there is a reasonable cause which would be sufficient as a ground of appeal, if that is represented to the same superior and

he is humbly begged to remit or modify the punishment, this will, morally speaking, be a sufficient remedy, since religious prelates may be presumed to be, as a rule, guided by right reason, and to proceed in accordance with the obligations of their state; while if there is no such reasonable cause, an appeal would be unreasonable.

Even if any dishonour should follow from an ordinary but unjust correction, it will certainly not only be counterbalanced but entirely undone by humble obedience and patience; and any such pain can be easily borne by those who profess perfection, and they can and ought to reckon it among the other penances and austerities which they voluntarily undertake, and which superiors may sometimes prescribe to them solely for the sake of their spiritual exercise.

It is rightly granted to religious Orders that even in grave causes there should be no appeal outside the limits of the Order. Appeal to a judge who is not competent, is in itself and intrinsically iniquitous, whether it is made to lay judges or Princes, which is worst of all; or to such ecclesiastical prelates as have no jurisdiction over the religious, since that also is contrary to justice, and to the precepts and privileges of the Order. Appeal to a secular prelate to whom the Order or Monastery is subject, is not unjust or prohibited, since he holds the place of the superior prelate, Provincial or General, in other Orders. In exempt Orders, on the other hand, an appeal to the bishop is, in virtue of the exemption, prohibited, but not an appeal to the Supreme Pontiff; for appeal to him is, of divine

and common law, open to all christians. But it has been rightly granted to certain Orders, and specially to the Mendicants, that even this appeal to the Supreme Pontiff should not be admitted. This is in no way contrary to the supreme authority of the Roman Pontiff, since it is from the Pontiff himself that this prohibition springs.

To go personally to a superior prelate with leave of the proximate prelate is lawful; but to go against his will or without his knowledge is forbidden by the Council of Trent. The Council ordains that if such a religious should be found without a written mandate, he is to be punished by the Ordinary of the place as a deserter of his Institute. This includes even appeals to the Supreme Pontiff who has the desire that, even when he is approached as Supreme Pastor, due order should be observed, and the common good of religion provided for. The prelate of an Order will be bound to grant this leave to a subject who asks for it with reasonable cause; and if he refuses, the subject can complain to the Supreme Pontiff.

The special privileges by which the Apostolic See grants that appeals should not be made even to itself, are to be understood as referring to *verbal* appeals, or appeals properly so called. The reason of those Privileges is because the common good of the Order should be preferred to the private good of the individual, and every member should postpone his own particular inconvenience to the common welfare of the whole body. It is greatly for the welfare of an Order that its affairs should be arranged among the religious themselves as between

fathers and brethren, and shrouded in the deepest silence. If they are published, the honour and decorum of religion is lessened, and will gradually come to naught, besides other disadvantages which would follow from liberty to appeal outside the Order, in the case of cross-grained and restless men. The interests of the religious are sufficiently provided for by the number of superiors, from the Conventual Superior up to the General, and these can better ascertain the truth of a cause which arises within their own Order, than any external judges, even if they are Pontifical.

XII.—DO REGULAR PRELATES POSSESS POWER TO DISPENSE THEIR SUBJECTS? AND TO WHAT MATTER DOES IT EXTEND?

There must necessarily exist in religious prelates of exempt Orders a dispensing power, for without it human government would be morally impossible. In Orders which are not exempt this power is not so necessary in the superiors of the Order, and they do not possess it of *ordinary* right, but only in so far as the bishop to whom they are subject has entrusted it to them, or in so far as it has been communicated to them by special privileges from the Pontiffs, or has been acquired by prescription from lawful custom. Prelates of exempt Orders, on the other hand, have power to dispense their subjects, of *ordinary* right and not by delegation, and as in virtue of their exemption they possess Episcopal jurisdiction; since exempt religious have not under the Supreme Pontiff any proper bishop besides their own prelates.

This power, if it has not been otherwise limited, is co-extensive with the Episcopal jurisdiction of such prelates, and is consequently equal to that to which it succeeds; that is to say, there exists in them all the power to dispense their subjects, which there exists in bishops, *as such*, to dispense their subjects, of *ordinary* right. But those powers which by special law are granted to bishops as they are *legates* of the Supreme Pontiff, do not extend to religious prelates; because the jurisdiction which is thus communicated to the bishops is not *Episcopal* but *Apostolic*, and therefore is not shared in virtue of their office by those who share merely in Episcopal jurisdiction.

There are however many privileges granted to religious Orders, especially to Mendicant Orders, by reason of which their prelates have a much more ample power of dispensing their subjects than bishops have for dispensing their own clergy or laity.

XIII. — TO WHAT PRELATES, AND FOR WHAT REASON IS THE POWER OF DISPENSING THEIR SUBJECTS GRANTED?

The general rule is that every religious prelate can do that only in the matter of dispensations, which has been granted to him either by law, or by privilege and the Rule.

In the Common Law there is scarcely anything about prelates as regards dispensation, save under the head of Abbots. But under the name of Abbots, who are proximate and immediate prelates of monasteries, are in-

cluded all other superiors of religious Orders who are similarly circumstanced as regards jurisdiction, by whatever name they may be called.

Hence this power of dispensing, as possessed in virtue of Common Law, belongs to all true regular prelates; and to each of them within his own territory, unless it has been limited by the special law of any Order.

Power of dispensation may be granted by the Common Law in two ways;—by special concession or declaration, or by a general concession of *quasi*-Episcopal jurisdiction.

In the times when Abbots were subject to the bishops, they could do nothing save what their state intrinsically and of its nature demanded, or what was expressly granted to them by law. There existed in them a power of dispensing, but it did not extend to ecclesiastical laws or the effects of such laws, which as effects of ecclesiastical jurisdiction could be altered only by the same jurisdiction, and that jurisdiction they did not possess. For the same reason their power could not extend to the dispensation of vows, since that is an act of jurisdiction. It extended only to regular observances, and was included and rooted in their *dominative power* which was the result and correlative of the tradition or delivery of themselves made by their subjects to the Order, and confirmed by their vow of obedience. This tradition was dependent on the will and approbation of the bishops to whom those Orders were subject, and therefore the power of dispensing, which was its result, could be limited by the bishops, by their reserving to themselves certain dispensations even in the matter of religious observance; since they were invested with greater power, not only

by reason of jurisdiction, but by reason also of the vows of obedience made by the religious.

In this way there may exist at the present time in Abbesses and Prioresses a dispensing power, according to the terms of their Institutes and the permissions of their prelates. In the same way such a power may exist in Orders or Monasteries of men which are subject to the bishops, and the superiors of which, since they are not ordained, have no proper jurisdiction. With regard to such Orders it may be laid down as a rule, that whatever in the matter of regular observance is dispensable in accordance with the nature and terms of their Institute, Profession and Rule, can be dispensed by their regular superiors, unless dispensation should have been prohibited by the bishop.

An exercise of this power, however, is an act of invalidation, or of simple faculty rather than of dispensation. The obligation is not taken away save by taking away the *matter* of the obligation, so that the obligation itself ceases, or by the supplying of a condition, given which the obligation of the precept ceases. In the case of vows, for instance, the superiors of such Orders can invalidate the vows of their subjects while they cannot dispense them, the obligation of the vows being Divine and natural. But so far as the Rule is concerned, since it has the character of a law from the obligation of which, whether coercive or directive, the superior can, in virtue of his office, exempt a subject, without any condition or change of matter, but by immediately removing the obligation, this power has the character of dispensation. Moreover, the general superior of such an Order

can impose a general precept on his subjects, and can afterwards exempt a subject therefrom, not only by declaring that he is not bound, but by taking away an obligation which he might have maintained ; and this is a mode of dispensation.

This power of dispensation therefore is intrinsic to the religious state, and exists in its entirety in every religious prelate, whether universal or local ; unless a superior prelate should have specially reserved some part of it to himself, as it is competent for him to do. The power is confirmed and increased by ecclesiastical jurisdiction, when that is superadded, for thereby is bestowed a new power of dispensing.

This jurisdiction is possessed, in the first place, by those exempt regular prelates who are supreme within their own Orders, and immediately subject to the Supreme Pontiff, since they all hold the place and office of bishops with regard to their own subjects. It matters not whether they are prelates of one place only or of many, since the same reason holds equally good in either case. An exempt Abbot of one monastery, who has no other regular superior to whom he is ordinarily subject, possesses Episcopal power of dispensation, in the same way, and for the same reason as the Generals of exempt Orders possess the same power.

But besides the Generals of those Orders, the prelates who are subject to them are also truly prelates, and they all share in Episcopal jurisdiction, and consequently in this power of dispensation, which is necessary to each by reason of his office.

This necessity arises from the universality of the Order, that is to say, from its diffusion throughout the various regions of the Universal Church, and its division into various provinces. As a consequence of this diffusion, all who have need of dispensation could not conveniently have recourse to the General, and therefore power of dispensation is committed to the Provincials. This reason, although not so urgently, has place also with regard to conventual prelates; since the necessity of dispensation may often be pressing and immediate, if not of daily occurrence, and therefore the power should not depend always on the Provincial who is sometimes long absent or far away. Moreover, this power of dispensation is often necessary in order to the spiritual good of religious subjects, who, since they are by reason of their state bound to greater spiritual perfection, should have such succours easily within their reach. It is therefore very much in accordance with the religious state that even local prelates should have power of dispensation, in order that, as they are bound to procure not only the salvation but also the perfection of their subjects, they may help them by every possible means. No disorder or inconvenience results from this power existing, even as regards the same act or effect, at the same time in a number of prelates who are subordinated the one to the other, and all subject to one Supreme Pontiff; since all is ordained in order to the greater good and edification of the religious, and the due relation of dependence of the inferior on the superior is always preserved, so that plurality is possible without confusion.

This power, so far as the Common Law is concerned,

belongs to all the prelates of an exempt Order, and each of them has power to dispense in Episcopal cases. If there is limitation in the case of any of these prelates it is by reason of a special law of the Order.

With regard to bestowal of dispensing power in virtue of the special law of an Order, the rule is, that every regular prelate can dispense his subjects as regards all matters which are not reserved by the Rule to a superior prelate, so that whatsoever is not prohibited is held to be granted. The opposite rule which obtains in the Society, that whatsoever has not been granted is prohibited, is the result of a special law of the Society, and a Bull of Gregory XIII.

XIV.—WHAT PERSONS CAN BE DISPENSED BY RELIGIOUS PRELATES ?

As regards professed religious of the same Order, there can be no question, for they are, so to speak, the proper subjects of this power, since it is for their sake that it has been given. A religious prelate can therefore dispense any or all of them; unless in the Indult there should be a special restriction, which is rarely if ever the case.

Other religious of the same profession, but who are not subjects of a particular prelate, cannot be dispensed by him, because he is not their prelate; dispensation being an act of jurisdiction which can concern a subject only. An inferior prelate cannot dispense his superior, nor can the prelate of one convent dispense the prelate of another convent, nor one Provincial another Pro-

vincial, and much less can one Provincial dispense the subjects of another Provincial. Guests, even if they are religious of the same Order, cannot be dispensed by the superior of the place or province in which they are for the time being, by reason of their actual subjection to their own prelates, from whom dispensation can be obtained.

Externs, who have no connection with the Order, whether they are seculars or religious of another Order, cannot in like manner be dispensed, for they are not only not subjects but they are not even united to the Order.

The supreme prelate of an Order can dispense himself, for he would not be sufficiently provided for if he had always to seek outside his Order the remedy of dispensation. This would be clearly contrary to the intention of the Pontiffs in granting to the Order such faculties or privileges and exemptions, his intention being that all the religious should enjoy them. It would be contrary also to the intention of the Order, to which it belongs to have a due providence for its prelate no less than for others. When therefore an Order commits to its General absolutely and without restriction all its power of dispensation, it commits this power also as it may concern him individually. It might indeed in General Chapter designate a person to whom it should commit this power as regards its General Prelate, and in that case he could not dispense himself. This is however seldom done.

Inferior prelates depend for dispensation each on his own superior, according to the Institute and practice of

the Order; and the dispensation of each belongs, as a rule, to his proximate prelate. Conventual prelates should ask dispensations from their Provincials, or should have some confessor designated for them, or leave to choose one to whom this power of dispensation should be committed.

Although Provincials have strictly the same dependence on the General, yet in many Orders so great a subordination as this implies is not observed, but a Provincial is held to be able to do in his own Province whatever has not been expressly reserved to the General by the Statutes. If the Statutes do not order it otherwise, and there is no custom to the contrary, Provincials can dispense themselves.

All this is to be understood of dispensation, properly so called, and as distinguished from simple leave; as, for instance, dispensation from vows, from the precepts of the Church, from impediments which are sometimes contracted by the transgression of these, and from precepts also of the Order which absolutely prohibit or prescribe some particular matter. For other acts which are not absolutely prohibited, but for which the leave of the prelate is required in order that they should be rightly done, even conventual prelates can give the same leave to themselves which they can give to others, and in so doing they should observe the same moderation. This is morally necessary to the state of such prelates, and this leave is an act not so much of jurisdiction as of dominion. When a prelate is left in a house as its father and superior, he is left also as master of those

actions of his, for which in others the leave of the superior of the whole house is necessary. This is always understood, unless something has been specially prohibited to him, leave for which a superior prelate has reserved to himself.

So far as regards common observances, or the precepts of the Order, novices do not need dispensation, because by those precepts they are not strictly bound. To satisfy the requirements of religion and of their probation, they need however the leave of the superior, and this he can certainly give, although, in order that it should be rightly given, there must be a prudent cause.

As regards ecclesiastical precepts and their effects, a religious prelate can dispense a novice from those things from which he could be dispensed by his bishop, as for instance, from fasting, hearing Mass and the like. During his term of noviceship he enjoys the privilege of exemption, and is, with regard to spiritual matters, under the proper care of the prelates of his Order, who can therefore exercise in his favour the *quasi*-Episcopal jurisdiction to which such dispensation belongs.

This is morally necessary, for it would be neither expedient nor fitting that a novice should have recourse to any prelate other than the regular prelate under whose discipline he is living. If the prelate of an Order has, in virtue of its privileges, any greater power of dispensation with regard to his religious, this also extends to his novices ; for although a novice is, strictly speaking, not a religious, he is reckoned as such so far as graces and favours are concerned.

But the prelate of an Order cannot dispense his novices by a perpetual dispensation, to endure after they have left the Order without profession, since they are not absolutely and perpetually his subjects. Nor can novices be dispensed, in virtue of the privileges of an Order, with regard to perpetual or permanent effects, such as freedom from irregularities, or non-observance of the interstices, or for being ordained outside the ordinary times, unless this power is expressly mentioned in the Indult as extending to novices.

With regard to familiars and servants of an Order, then only does the power of dispensation extend to them when it is expressly granted by the Indult, since they are not of the number of the religious.

XV.—DOES THERE EXIST IN RELIGIOUS PRELATES POWER TO ABSOLVE THEIR SUBJECTS FROM SINS WHICH ARE NOT RESERVED? AND POWER TO DELEGATE SUCH ABSOLUTION TO OTHERS?

The prelates of religious Orders have ordinary jurisdiction to absolve their subjects from their sins. They are the ordinary pastors of their souls, and to them is transferred that care which bishops or parish priests exercise with regard to their secular subjects. This follows necessarily from their exemption from the jurisdiction of the bishops. With regard to religious of Orders which are not exempt, as they are under the jurisdiction of the bishops, so by the bishops, either directly or through their priests or vicars, they are absolved.

This jurisdiction exists, with reference to the same subjects, in the various regular prelates, who are subordinated the one to the other. Conventual prelates, for instance, possess this jurisdiction with regard to the religious of their convents ; and the Provincial has the same jurisdiction, and that equally immediate with regard to those same religious. He may absolve them if he pleases, independently of the will of the conventual prelate or even against it. In the same way the General has immediate jurisdiction over all the subjects of the whole Order. All these prelates are proper and *ordinary* pastors, more or less universal ; and universality does not take away the immediate character of the power, but introduces subordination among the prelates who possess it, as in the similar case of the parish priest, the bishop and the Pontiff, all of whom have *immediate* jurisdiction, but with subordination. Hence conventual prelates are compared to parish priests, as they are the *ordinary* proximate pastors of their subjects, and provincials to bishops. Generals have not the same comparative relation as regards the Supreme Pontiff ; since he is absolutely the supreme and *ordinary* pastor of the religious, while the Generals themselves are subject to him, and so they are wont to be compared to Archbishops or Patriarchs. Generals differ however from Archbishops in this, that an Archbishop does not possess *ordinary* jurisdiction in this *forum* in the dioceses of his suffragans, unless during his visitation of them ; while a General is always the *ordinary* pastor of all his subjects, with *ordinary* jurisdiction, and the immediate exercise of it over every one of

them. Were it otherwise, his prelature would be forensic and external rather than spiritual and paternal, such as the religious state demands in every degree and order of its prelature.

Every one of those prelates can delegate his jurisdiction to others in favour of his subjects; since each of them has *ordinary* jurisdiction, a consequence of which is the power to delegate it. Not only so, but while secular *ordinary* pastors such as parish priests, although they can, are not bound to delegate their jurisdiction, but may choose to hear in person the confessions of their sheep, this in religious Orders would not be expedient. Although a superior, by reason of his office and power, should be prepared to hear the confessions of his subjects if they wish to confess to him, yet he ought not ordinarily to compel them to do so. It is therefore necessary, morally speaking, that he should delegate his jurisdiction to those to whom the religious may confess with freedom. As regards the extent and nature of this necessity and obligation it must be answered that it is grave, and that for a prelate to retain this jurisdiction in his own hands would be an abuse, injurious to the sacrament of penance, and fraught with peril to the souls of his subjects. There is in this matter a great difference between the case of a regular superior and a secular parish priest, by reason of the greater dependence which a religious has on his superior, and because he is ruled by him in all things, and might have a dread lest this sacramental knowledge of the superior should get mingled with his government, and espe-

cially since the religious can be judged and punished by his superior in the exterior *forum*. Besides the obligation which arises from the nature of the case there is the farther obligation of a decree of Clement VIII., which declares that it is not lawful for the superiors of regulars to hear the confessions of their subjects, save when some sin has been reserved, or when the subjects themselves spontaneously and of their own accord request it of their superiors.

Hence the same Pontiff commands that superiors should in every house depute two, three or four confessors, learned, prudent, and full of charity, according to the greater or smaller number of their subjects, with general faculties to absolve from all sins which are not reserved.

XVI.—DOES THERE EXIST IN OTHER PERSONS, BESIDES
RELIGIOUS PRELATES OR THEIR DELEGATES, POWER
TO ABSOLVE RELIGIOUS?

So far as venial sins, or non-necessary matter is concerned, special jurisdiction is not necessary, but that jurisdiction suffices which is common to all simple priests. If therefore a religious should make confession of venial sins, without leave of his prelate, it will, strictly speaking, be valid; and his sin will not be more grievous than would be the transgression of a Rule, and, if the Rule did not oblige in conscience, would not amount to a venial sin.

Of ordinary right, and apart from privilege Regulars cannot confess to persons other than the confessors

designated by their prelates, since others have no jurisdiction over them.

XVII.—DOES THERE EXIST IN OTHER PERSONS, BESIDES
RELIGIOUS PRELATES OR THEIR DELEGATES, POWER
TO ABSOLVE RELIGIOUS ON A JOURNEY, AND
NOVICES?

When a religious on a journey has a companion of the same Order, who is a priest and capable of hearing confessions, the common observance is for him to confess to his companion and to no other, since this is wont to be the will of superiors, and tacit will suffices, and it is included in the leave for the journey, as right reason and common custom sufficiently indicate.

When a religious on a journey is a guest in another house or monastery of the same Order, the rule is that he should confess either to the superior of that house, or to another with his leave, or to the conventual confessor, who is as it were the ordinary of the place. He cannot confess to other religious of the same house who have not been appointed by their superiors to hear the confessions of the religious, since they have no jurisdiction.

Leave given to a religious on a journey by his own superior to choose a confessor, applies only to cases of necessity when there is no ordinary confessor of the same Order. Undoubtedly were the superior to give express leave to the religious to choose any priest whomsoever, even in monasteries of the same Order, he could confess to any one, unless this should be pre-

vented by the statutes of the Order; since in that case jurisdiction would flow to the confessor from the prelate of the penitent, and would include or presuppose the necessary approbation.

But as a rule superiors do not grant such leave, either because they are forbidden by the Rule, or because it is in itself unreasonable, and contrary to due order without any necessity. When therefore it is not expressed, it is reckoned as not granted or comprehended under the general leave; which ought not and cannot be refused since it is necessary, considering human frailty, and, apart from precise necessity, contributes also to greater perfection.

When a religious is, along with his companion, a guest in a monastery of the same Order, he may confess either to his companion or to a confessor of the monastery, since both have jurisdiction. There is no contradiction in his having two confessors capable of hearing him, and there is no reason for presuming any will of the superior accepting the one and excluding the other, unless he has declared it, as he certainly could do, or unless it has been otherwise ordained by a special rule or custom of the Order.

When a religious travels to places where there are no monasteries of his Order, then, apart from any particular instructions of his prelates, which are to be observed when they are not plainly unjust, the general rule is that he can confess to any priest whomsoever, secular or regular, because he ought not to be deprived of the succours of absolution. Leave for this is due in accordance with right reason, and is by a moral necessity annexed

to the journey ; and, moreover, common custom is a sufficient interpretation of the will of superiors.

It is not necessary that in this case a priest should be chosen who has jurisdiction otherwise, since he does not absolve the religious by the jurisdiction of the bishop or of the parish priest, but by the jurisdiction which he receives from the regular prelate, through the intervention of the faculty given by him to the religious to choose a confessor. A secular who is on a journey is absolved in another diocese in the same way as the inhabitants of that diocese ; but a religious never goes beyond the limits of his own diocese, since his Order is not bounded by the local limits of any diocese, and he therefore always retains his perfect actual subjection to his own prelate.

It is not necessary that a religious on a journey should choose a priest who has been approved by the bishop, unless this has been specially prescribed in the faculty granted to him by his prelate ; for the Council of Trent requires this approbation by the bishop only for hearing the confessions of seculars.

In many Orders it is prescribed that he who makes a journey should immediately on his return to his monastery make an entire confession since his last confession in the monastery before his departure. This is not to be understood as a reservation of all the sins which he may have committed during his journey, for iteration of a confession in which the sins were absolutely remitted, does not fall under precept, and cannot be imposed. Through the intervention of religious profession and his vow there may, however, be a voluntary obligation, and

iteration may fall under the rule of perfection by reason of its special utility. Such precepts do not induce any special obligation of conscience but only the obligation of simple rule, unless the contrary is expressly declared.

Since jurisdiction does not, as a rule, descend to the individual religious save by means of the concession and will of their prelates, prelates can prohibit their subjects from hearing the confessions of the novices; and in that case the novices cannot confess to them, not as hindered by anything in the novices themselves, since they, as not properly religious, are not bound by the precepts of the Rule, but because the confessors have no jurisdiction over them, their jurisdiction having been communicated to them with this limitation.

Novices cannot, against the will of their prelates, confess to any one who has only episcopal jurisdiction, since the whole Order, including the novices, is exempt from the jurisdiction of the bishop.

XVIII.—THE RESERVATION OF SINS IN RELIGIOUS ORDERS.

Cases may be reserved in two ways as regards religious, either by the Supreme Pontiff, or by the Order itself. The prelates of an Order can reserve to themselves certain cases, in the same way as a bishop can do so; since reservation is an act of jurisdiction, and it does not in itself depend on episcopal character any more than does absolution. Exempt religious, moreover, are not bound by the reservations of the bishops, and there-

fore it is but just that they should be subject to the reservations of their own prelates.

A decree of Clement VIII. in 1593, enumerates eleven cases which may be reserved in religious Orders. The Pontiff does not prescribe that all these cases should be reserved, but only prohibits superiors from reserving other cases, and permits them to reserve any or all of these, as they shall judge it expedient in the Lord for the benefit of their subjects. All superiors are included, and not only the General or Provincial; and a conventual prelate can reserve any of those cases, even if it is not reserved generally in the Order. Although the Pontiff restricted the reserving power of prelates to those eleven cases, he did not altogether take away from religious Orders their power of reserving other cases, but left to the General Chapter for the whole Order, and to the Provincial Chapter for the province, any power which they might possess in accordance with the Privileges and Constitutions of the Order.

Although it is only as regards some of the cases that the Pontiff declares that matter such as is required for mortal sin and an external act are necessary in order that the sin should fall under the reservation, yet these two conditions are to be understood as applying to all the eleven cases. Venial sins, as they are not the necessary matter of confession, so they are not properly matter for reservation; while merely internal sins, even if they should be mortal, are not reserved, according to the common use of the Church, although, strictly speaking, they might be reserved.

XIX.—WHO CAN ABSOLVE RELIGIOUS FROM RESERVED SINS ?

Religious cannot, by ordinary law, be absolved by any one outside their own Order, except by the Supreme Pontiff, for if, as we have seen (page 158), they cannot be absolved from common sins outside the Order, much less can they be absolved from sins which have been specially reserved.

As regards religious on a journey no general rule can be laid down, but the Rule, custom and special provisions of the prelates of each Order must be considered. Morally speaking, it is necessary that in some way provision should be made with regard to this for religious subjects, for if they are priests they may need confession daily, since they ought to celebrate frequently, and to abstain from so doing for many days might give scandal, be hurtful to themselves, and be too great a grievance. Even if they are not priests, it is expedient that they should frequently communicate, and it would not be in accordance with the due providence of religion to compel them to abstain from communion until their return to the monastery. Although this might be a just punishment for such a sin on the part of a religious, yet it would be too severe, and scarcely medicinal, unless where a censure intervenes; and besides it would be perilous to compel a religious, who perhaps from frailty has sinned mortally, to remain for many days without sacramental absolution.

In some Orders it might appear from their Rule or custom that leave for absolution is given absolutely when

their prelates do not prohibit or limit it ; and that when a religious travels reserved sins cease to be reserved, since they can be absolved by any confessor, like other sins. But this is scarcely credible, since it could not avoid being to the damage of religion, for if reservation is resorted to as a curb against falling, how can it be removed when a religious is wandering outside his monastery, and therefore needs a greater curb and more efficacious means to prevent him from falling? For this reason some Orders grant leave for confession to their members when travelling, under the burden of afterwards presenting themselves to their own prelates. In this way both necessities are met, for the subject is not compelled to remain long without absolution, and he is not deprived of the curb of reservation.

When this leave or the manner of it is not sufficiently declared by the Rule or is not evident from custom, and the religious has departed having forgotten to ask leave, it is to be considered as implicitly granted by the superior in his leave for the journey, the included leave being morally necessary, and universal custom sanctioning this interpretation of the superior's will ; but with observance of the reservation as far as possible, and therefore under the burden of the religious presenting himself to his prelate on his return.

A religious in the monastery cannot be absolved from reserved cases by any confessor of his Order, without leave of his prelate specially granted for this purpose, unless by the Rule or custom this faculty should be attached to the office of a particular confessor. In this case the sin would as matter of fact be reserved not to

the prelate alone, but to him and to the confessor of the house.

The prelate of an Order can, by his own right, himself absolve his subjects from sins reserved in the Order, or he can commit this jurisdiction to another.

If a sin is reserved to the General alone, or to the Provincial, then a conventual prelate cannot by his own right absolve from it, even as a parish priest cannot by his own right absolve from sins reserved to the bishop. It belongs however to the providence of the Provincial or of the General to provide a means whereby subjects may be absolved from such sins in their absence. Since that may be frequent and long continued, and confession with absolution cannot be accomplished by letter, it would be unjust to compel subjects to be deprived of absolution for so long a time, or to confess in part without mentioning the reserved sins since they cannot be absolved from them, or to include them in an entire confession, since they cannot be absolved from such sins save indirectly, as in the case of forgotten sins. Even if a sin has annexed to it an excommunication reserved to the Provincial, absolution from which might be begged by letter, and so the reservation of the sin removed, it would nevertheless be a most grievous burden for subjects to have to wait for the absolution of the censure by letter from the Provincial; and therefore there ought always to be at hand some one who can absolve, either absolutely, or at least under the burden of the penitent's presenting himself to his own prelate at a convenient time.

To reserve a sin to the conventual prelate is not to

commit to him a new jurisdiction, but it is simply not to take away from him that which belongs to him by reason of his office ; and even if this is called commission, it is nevertheless not *delegation* but tradition of *ordinary* jurisdiction, which he therefore can delegate.

But if a sin is reserved to the Provincial or General, and he designates some one who in his absence should absolve from it, that person cannot in his turn commit this power to another, since he himself is only a delegate, even if he should be the local prelate ; just as, if a bishop should commit to a parish priest the absolution of sins reserved to himself, the latter cannot subdelegate that jurisdiction to another.

XX.—CAN REGULAR PRELATES ABSOLVE THEIR SUBJECTS FROM CENSURES ?

A religious prelate can, by Common Law, absolve from all censures which are not reserved ; for this every proper pastor can do, and a religious prelate is the proper pastor of his subjects. Hence the ordinary confessor of the convent, or any other approved by the prelate to hear the confessions of his subjects, with jurisdiction to absolve from mortal sins which are not reserved, can absolve also from all censures not reserved, which have been contracted by means of such sins. He who delegates power for anything is held to grant power for all things which are necessary as means in order to that end ; and moreover, if an ordinary confessor could not absolve from an excommunication which is not reserved,

there would be no difference between an excommunication which is reserved and one which is not reserved to the prelate.

A religious prelate can, by his ordinary right, absolve a subject from every censure imposed by man (as distinguished from censures imposed by law), unless it has been imposed by a superior prelate, whose censure an inferior prelate cannot recall; for a censure imposed by man can be taken away by him by whom it is imposed or by his superior, and a religious cannot be excommunicated by any one except his prelate.

In those cases in which bishops have power to prescribe even to exempt religious under pain of excommunication, religious prelates cannot absolve from this censure. So far as this is concerned, the bishops are prelates in reality superior to the prelates of the Order, either because they proceed as delegates of the Apostolic See, in which case they are not only superior but in a manner supreme as exercising the Pontifical jurisdiction delegated to them; or because they are using their own proper jurisdiction, which has been set free from the exemption so far as this particular case is concerned, and so with regard to it their superiority emerges, since all the prelates of religious Orders would, by ordinary law, be subject to the bishops if it were not for the exemption.

A Privilege, however, of Nicholas IV. exempts religious from any sentence of excommunication, suspension and interdict imposed by man, unless they are mentioned therein expressly by name.

Censures imposed and reserved by the special law of

an Order, that prelate can absolve to whom the reservation is made; and *a fortiori* a superior prelate, and consequently those delegated by him, can absolve from them.

The prelate of an Order can, partly by common law, and partly of privilege, absolve his subjects from censures reserved to the Pope,* and absolution from which is by the law committed to the bishops, either generally by reason of their episcopal jurisdiction, or by special commission. In the former case religious prelates can absolve their subjects by *ordinary* right, as possessing over them episcopal jurisdiction especially in matters which belong to spiritual welfare and remedy, as does absolution from censure. But when absolution from Papal censures is granted to the bishops by special commission, and especially if it is granted to them as legates of the Pontiff, religious prelates are not by ordinary law on the same level with the bishops. By a Privilege, however, of Pius V. this faculty is extended to prelates of the Order of Preachers, and this Privilege other Orders also can make use of by way of communication. It is granted to Conventual Priors as well as to superior prelates, but ordinary superiors or vicars cannot use it,

* Cf. the Constitution of Pius IX., *Apostolicæ Sedis*, October 15, 1869, which revoked, suppressed and abolished all faculties for absolving from cases reserved to the Apostolic See previously granted to any Order, Congregation, Society or Institute. To many of these, however, the faculties have since been renewed. Cf. also the Declaration contained in an Instruction of the Holy Office, February 1, 1871, that the revocation does not affect quinquennial or extraordinary faculties previously granted. In the abrogation, therefore, there are not comprehended temporary faculties granted to any Order or Institute. See also Gury, ed. Ballerini, 1878, tom. ii. pp. 114, 115.

unless it is delegated to them by their prelates. It is understood to be delegated whenever the prelate, being absent from his monastery, leaves a vicar in his place.

XXI. — FROM WHAT CENSURES AND PENALTIES CAN RELIGIOUS PRELATES ABSOLVE THEIR SUBJECTS BY PRIVILEGES GRANTED TO RELIGIOUS ORDERS, ESPECIALLY TO THE MENDICANTS?

The effect of such Privileges is to give faculties to absolve not only from the sins which happened to be reserved then when the Privileges were granted, but from those also which are reserved at the time when confession is made and absolution is to be given. The Pontiff can certainly delegate his jurisdiction in perpetuity, that is, so long as it is not recalled, and these Privileges are granted as perpetual, and as applying in general to all reserved cases; and moreover, being absolute, and containing a grace and favour which is to the prejudice of no one save of him who grants it, they are not to be restricted by us, but rather to be amplified, according to the common rule of law. When succeeding Pontiffs have wished that such Privileges should not avail for the absolution of new reserved cases, they have expressly recalled the foresaid faculties, and thereby they have supposed that these of themselves extended to the absolution of subsequent reserved cases.

XXII.—WHO ARE THE PRELATES IN AN ORDER TO WHOM THIS POWER OF ABSOLVING THEIR SUBJECTS FROM CENSURES, WHETHER IMPOSED BY THE LAW, OR IMPOSED BY MAN, BELONGS?

First of all, the words of the Privileges have to be considered, for if in them certain persons are named and not others, those specified alone possess this power. If, however, it is granted generally to the prelates, or to the prelate of the Order, it is to be held as granted to conventual prelates, who are true prelates, and *a fortiori* to all more universal prelates. The act of absolution for which this faculty is granted is ordained towards internal welfare more than towards forensic judgment, and therefore is rightly held as granted to the proximate prelate who has care of the souls of his subjects, and is their proper pastor. When granted to the prelate, in the singular number, this is not to be so understood of a particular prelate, as to exclude universal prelates, who are principally and more properly the pastors of their subjects; as also in the law by the term—"proper priest" is signified the parish priest, but not so as to exclude the bishop or Pontiff. Wherefore if the Indults make mention only of the conventual prelate as, for instance, of the Prior or Guardian or Abbot, the superior prelates are not excluded, for it is not to be supposed that the Pontiff would have the intention to grant anything which is not in accordance with due order.

When the prelates are named in such Privileges, inferior ministers or confessors cannot absolve in virtue

of them from the cases in question, because they are not proper prelates. The Vicar of a house however, which has no other conventual prelate, either because the conventual prelate is dead, or his term of office has expired, or certainly because in that house no other prelate is provided, will enjoy these Privileges, because, although not in name, he is in reality the conventual prelate ; but such a Vicar or Sub-prior has not ordinarily the power, so long as the proper prelate is present and governs his own monastery.

When the Abbot or Guardian or other conventual prelate is present, he who is called the Vicar is not properly his vicegerent, or truly and properly the *Vicar*, but exercises his own proper ministry of domestic administration, and so does not enjoy the foresaid faculties ; but when the conventual prelate is absent, the Vicar is his vicegerent in his jurisdiction and prelature. For the avoidance of all scruple it would be well that the prelate should, before his departure, commit all his powers to the Vicar ; and that this may not depend on the memory and will of individuals, the practice should be established by a stable law, or received custom.

When a prelate commits his powers to another, he does not, properly speaking, transfer his Privilege to him, but employs the ministry of the other in order to the exercise of his own Privilege, which is a very different thing. A consequence of this is that his commissary cannot commit his powers to a third person, because it is not jurisdiction so much as a bare ministry which has been committed to him.

XXIII.—DOES THERE EXIST NOT ONLY IN RELIGIOUS
PRELATES, BUT ALSO IN THE BISHOPS, POWER TO
ABSOLVE RELIGIOUS?

An exempt religious is free from the jurisdiction of the bishop, and cannot confess to him without the leave of his prelate, and the bishop cannot absolve him, however much the religious may subject himself to him. Exemption is in favour not of the private religious, but of the whole Order and of its prelates, and so no religious can renounce his right, or constitute to himself a judge who is not his prelate.

If religious prelates had no power to absolve their subjects from a case which had been reserved to the Pope, and power of absolving from which had been granted to the bishop, then religious might be absolved by him. They ought not to be in a worse condition in religion than they would have been in the world; and they would reasonably be considered as not exempt save as regards matters in which they are subject to the jurisdiction of their own prelates.

But now, when the whole jurisdiction of the bishops to absolve from censures (even those committed to them by the law), which concern Pontifical cases, has been committed to the regular prelates by perpetual Privileges, religious cannot be absolved from such cases by the bishops, because they are wholly exempt, and because their prelates can reserve such cases to themselves.

As when in Pontifical cases, access to the Supreme Pontiff or to his commissary is impossible save with great difficulty and delay, a sinner can be absolved by

an inferior priest, under the burden of presenting himself before the Pontiff or some one having jurisdiction from him ; so when a religious has not easy access to his own prelate, he can be absolved by another confessor, not so as to remain altogether free from the reservation, but as under the burden of presenting himself before the Supreme Pontiff or his own prelate who is, as regards him, in such matters the vicegerent of the Pontiff. In this way the need of the religious is sufficiently relieved, and there is observed at the same time both the reservation and the submission due to the prelate. In such a case it is not necessary for a religious to have recourse to the bishop, since by any priest by whom he can be absolved from mortal sins, he can in this particular case be absolved from that censure, since he is not absolved absolutely, but under the burden of presenting himself. For so absolving a bishop has no greater power with regard to a person who is not subject to him, than an ordinary confessor. There is no law by which the religious may be exempted from the burden of presenting himself, which the reservation carries with it, when the power to absolve is given only on occasion of difficulty or necessity. In the same way when a regular prelate sends a subject on a journey, he can give him power to choose a confessor by whom he can be absolved even from cases reserved to the Pope, under the burden of presenting himself before that prelate on his return. In this case he cannot have recourse to the bishop to be absolved by him absolutely and free from this burden, since he has already a sufficient judge or confessor designated by his own prelate.

As regards the absolution of religious prelates themselves from such cases, it certainly does not belong to the bishop, since they are exempt no less than others. They cannot, however, be supposed, as they are principal members, to be placed in a worse condition than other members of the Order, and the Privileges of the Order are given generally for all its members, and so in virtue of these they must be absolved. According to the common practice, the power of absolving a conventual prelate from such censures, resides with the Provincial, and the power of absolving a Provincial with the General, for each depends on his own proximate prelate. The General having no superior prelate within the Order, save only the General Chapter, can be absolved by that confessor to whom the Chapter commits its powers. But if the Chapter has ordained nothing with regard to this, the General can choose a confessor, who will have all the powers which the Privileges bestow, for there is no other way in which he can enjoy them, and he ought not to be deprived of them. In many Orders Provincials also and conventual prelates choose confessors, and those possess all the faculties which they themselves can communicate to their subjects; either because this is specially ordained by their Institutes, or because it is the received custom, or because nothing has been ordained to the contrary, and that is sufficient.

XXIV.—TO THE ABSOLUTION OF WHAT PERSONS DO THE PRIVILEGES OF REGULARS EXTEND?

It is certain that they extend to the absolution of all the professed of the Order, because it is for their sake

chiefly that they have been granted. They extend also to guests and pilgrims who by right of hospitality can be sacramentally absolved by the religious; and to novices, who have entered in good faith and with the intention of profession.

XXV.—CAN THE SUPERIORS OF RELIGIOUS ORDERS, BY MEANS OF THEIR PRIVILEGES, ABSOLVE THEIR SUBJECTS FROM THOSE CENSURES WHICH HAVE BEEN IMPOSED SPECIALLY AND BY MAN?

By the Privileges of religious Orders, both the religious and novices can be absolved from all censures, even those imposed by man, and by a special sentence. The superior prelates of an Order can however reserve to themselves such cases or sentences, and so restrict the jurisdiction of inferior prelates, notwithstanding the Privileges. If they do so, or if it appears from the Constitutions or custom of the Order that this restriction or reservation has been made, then the inferior prelate has to this extent the faculties of the Privilege restricted or not communicated to him.

XXVI.—THE POWER OF THE PRELATES OF RELIGIOUS ORDERS WITH REGARD TO THE ADMINISTRATION OF TEMPORAL GOODS, FROM THEIR PRIMEVAL INSTITUTION, AND AS PERMITTED BY THE EARLIER CANON LAW.

Besides powers with regard to persons, a prelate of a religious Order must have power with regard to the temporal goods of the Order, since an Order cannot be entirely

without such goods, either as regards ownership, possession and use, or at least as regards simple retention and use, according to the manner of life in the various Orders. In whatsoever way such goods are held, the administration and care of them must necessarily pertain to some one. It cannot pertain to the individual religious, for that in itself would be contrary both to order and to the preservation of the goods, and by reason of the vow of poverty no one can by his own will and at his own discretion dispose of temporal goods. Although this power may reside in the whole community as such, yet the community cannot by itself and immediately exercise all that belongs to the administration of its temporal goods; and therefore this power must necessarily be altogether or in great measure committed to a prelate.

The concession of this power must depend on some law, and we may here distinguish a threefold law,—the natural law, the common or canon law, and special law consisting of the Privileges or Ordinances of the Pontiffs with regard to individual Orders. The actions also which are included in administration are very various, but may be reduced to three heads,—accepting, preserving, and alienating. *Accepting* comprehends every acquisition of goods to the Order; *preserving*, every action which belongs to government, improvement, increase and custody of such goods; *alienating*, all consumption, distribution and alienation and every use of such goods.

According to the primeval institution of religious Orders, admitted by the earlier canon law, the whole

administration of the goods of a monastery is or was with the Abbot alone.

Looking simply to the nature of the case, in virtue of the institution of a religious congregation, in which the individual members profess poverty, the power of administering all goods whatsoever resides immediately in the community itself, because it is primarily and in itself their owner or usuary. Also from the nature of the case there is no greater reason for one member of the community administering them than for another. Since all have made a vow of poverty no one can use the goods in his own name; and so the power, in whomsoever it may be vested, must be derived from some other, and this cannot in the last resort be from any other than the whole community as such. It cannot be from any individual within the community, and it ought not to be from any one outside it, such as the bishop or Pontiff; for every community has a proper right to administer its own goods, of which right it is not deprived by being a religious community, since the right is not subversive of the vow of poverty made by individuals, unless they have voluntarily professed a poverty which is at variance with retention of this right. It depends therefore on the will of those who first agreed to institute or commence such a community, for they can ordain among themselves and, as it were, covenant that the whole administration of temporal goods should rest with the prelate alone. Such an institute once established and approved, those who should afterwards profess the institute, by so doing give their assent to this covenant, and, so far as lies within their

power, transfer the right of administration to the prelate.

The power of administration of temporal goods does not belong to *jurisdiction*, nor does it of itself require jurisdiction, but is a *dominative power* (see vol. i. p. 115), comprehending under it a *ministerial power* derived from the owner. Such power therefore does not of itself, or of the nature of the case, and apart from positive law, depend on a concession of the Pontiff, or other ecclesiastical prelate, but on the will of those who are associated in the community.

Although power of administration might have been committed not to the prelate alone but to others along with him, yet anciently it was committed to him alone; although it belonged to prudence and the right fulfilment of his obligations that he should avail himself of the counsel of others as the circumstances of the case demanded. This may have been so ordained either because a monarchy, embracing even this within its limits, was chosen as the more perfect form of government; or because it was reckoned to contribute to greater abnegation of self and of all things, and a more perfect profession of obedience and poverty. The goods of monks moreover in those days required but little administration, and the Abbots were true fathers, and consulted the advantage of others and not their own. This ancient institution with regard to the administration of temporal goods was approved by the Pontiffs and confirmed by them in the old common law.

A prelate can accept whatever is offered to the monastery, and whatever is given to him he acquires not for

himself, but for the monastery. With his leave his subjects can acquire for the monastery, although not for themselves ; but without his leave they cannot acquire either for themselves nor for the monastery.

As regards *preserving*, the prelate has the whole of the power which is necessary for due preservation and regulation of such goods, no less than if they were his own. This is necessary for well-ordered rule, and otherwise the common goods would easily perish. This, moreover, is the intention of the master or owner of those goods, to wit, the convent ; from which the power of its prelate emanates. Hence, according to the measure of his power is the measure of his obligation to administer the goods faithfully, so that they may be preserved for the greater service of God and the greater advantage of the monastery. Since the prelate cannot by himself and immediately accomplish the whole of this charge, it belongs also to his power to create officials and ministers, by means of whom he can fulfil it, and on whom will also lie the same obligation of faithful administration.

This care of preserving the goods of the monastery belongs to all and each of the religious, but in different ways. To all there belongs the negative obligation not to dissipate or misuse them, which obligation may pertain also to poverty and sometimes to justice. The positive care of preserving them does not in itself belong to individuals, save in so far as charity may sometimes dictate. In virtue of his office, and of justice, it belongs to the prelate to whom the power has

primarily been entrusted, and by participation to the ministers whom he has appointed under him.

As regards *alienating*, and under that term we comprehend every manner of use by which the goods are consumed, this was also committed by the earlier law to the prelate of the monastery without any limitation, besides that which the law of nature demands, namely, that his dispensation of them should be faithful, and to the advantage of the monastery.

It extends, in the first place, to the expenditure of money for all those things which are prudently judged to be necessary or becoming for the Divine worship, due regard being had to the means of the monastery and to the manner of life and institute of the Order. It extends also to all things fitting for the support of the religious, becomingly in accordance with their state, since for this end such goods are chiefly designed.

The prelate of a monastery cannot, simply of liberality, make gratuitous donations from the goods or funds of the monastery, since he is not their owner, and should be the faithful and prudent dispenser of these goods. If he should make such donations, he will be acting contrary to his office, and therefore sinning against justice, abusing his power, and breaking his vow of poverty.

He can however give alms, as an act of mercy, for this the monastery can and ought to do, if it is able. As to whether he can and ought to give all superabundant revenue in alms, no general rule can be laid down. Ordinarily, it is not necessary, nor is it fitting,

although sometimes it may be laudable and sometimes prescribed. It depends on the necessities of neighbours as they occur. If these necessities are extreme, something should be given not only from superfluity, but even from things necessary, having regard, however, to others who may contribute to the relief of such necessity. If the necessity is not extreme but grave, all superfluities should be given, unless by the contributions of others this necessity is diminished. If the necessity is only common, although something should be given from superfluity, especially by religious for the sake of example, yet to give all is not necessary, nor would it be advisable in a religious prelate. To do so will therefore, as a rule, not be within his power, because it is better to increase and perfect the monastery itself, as regards what belongs either to the Divine worship, or to the lodging of the religious, or the perpetual revenues in order that thereby a greater number of religious may be supported, which is a greater service of God than an abundant alms for the relief of common necessities would be.

A prelate may make a gratuitous donation on the ground of gratitude or as a remuneration which, although not due by an obligation of justice, is a moral debt, payment of which is specially becoming to the religious state. It may also redound to the advantage of the monastery; for he who does not shew a grateful heart, even as regards temporal matters, in a manner befitting his state, cannot preserve the benevolence and friendship of others, and this would be a great temporal disadvantage. A prelate has power, therefore,

not only to remunerate services or benefits received, but also to anticipate them by acts of civility and benevolence, having regard always to the greater edification of his neighbours, or to the advantage of the monastery. By consideration of both the end of the gift and the means of the monastery, the due measure of such a gift will be arrived at according to the rule of prudence.

Alienation of goods by way of consumption or by way of barter or sale, also falls within the power of the prelate for the same reasons, and is subject to the same rules and restrictions. The old monks sold their handiwork for their own support; and it is only buying and selling by way of traffic for the sake of temporal gain, which is forbidden to religious.

The rule is the same with regard to other movable goods which are not consumed in the using like articles of food, but continue being used, and are gradually worn out.

A prelate cannot dispose of real property so as entirely to deprive the monastery of it without an equivalent or greater compensation; for this would be not administration but dissipation of property, and his power is given to him not for destruction but for edification; and real property forms, as it were, the foundation of the revenues of the monastery. A prelate, however, is not entirely destitute of power, in virtue of Common Law, to alienate such goods, if the alienation should be for the advantage of the monastery. With still more reason has he power to let its real property, or to enter into similar contracts by means of which the

use or usufruct of a thing is either perpetually or for a certain time alienated under burden of some rent or return.

The alienation of real property is reckoned among the grave affairs of a monastery which should not be transacted without the counsel of the prudent; but besides this, there was of old no farther limitation to the power of a religious prelate. But when in those days the Abbots were subject to the bishop, they were bound in their administration to do nothing against his will, and in graver matters to wait for his consent; and rightly, because the goods of monasteries or religious Orders were always regarded in the Church like the religious themselves, as ecclesiastical, and specially dedicated to the Divine worship.

XXVII.—THE POWER OF THE PRELATES OF RELIGIOUS ORDERS WITH REGARD TO THE ADMINISTRATION OF MOVABLE GOODS, ACCORDING TO THE LATER CANON LAW.

The power of administering the goods of an Order, looking to the present Common Law, is the same in a regular prelate as before, with the sole exception of a restriction introduced by Canon Law with regard to the alienation of certain goods. By the Canon Law a special solemnity is required without which the prelate of an Order cannot alienate real property or precious movable goods which are capable of preservation, and with which solemnity he can alienate them.

There is required, in the first place, a sufficient cause

for the alienation ; and this may be fourfold,—necessity, advantage, the inconvenience of the thing to the Church, or piety, as for instance, the redemption of captives.

A second condition required in order to the alienation of real property, is that it should be preceded by a conference of the convent or Chapter, with regard to its necessity or advantage. The religious must for this purpose be assembled in Chapter, and it is not sufficient to confer with them singly or by letter.

Thirdly, there must be the consent of the Chapter to the alienation. The result of the conference is a judgment with regard to the expedience or necessity of the alienation ; and if the majority of the Chapter is against it, the prelate can proceed no farther, since he cannot reasonably ask the consent of those who have already judged it not to be expedient. The consent of the Chapter is an act of will, following on the act of judgment of the conference, namely, that the alienation should be made. This is not a necessary result of the affirmative judgment of the conference, for one might judge it useful to the monastery that the alienation should be made, and might nevertheless not have the will that it should be made here and now, or to a particular person, for extrinsic reasons. A majority of the Chapter will be sufficient along with the prelate ; but apart from the prelate, the consent of the whole Chapter will not suffice. In this way the prelate is not deprived of his power ; but that power is only limited so that he cannot exercise it without the consent of the Chapter.

The goods with regard to which all these solemnities have to be observed are—all real property, and all pre-

cious movable goods. As regards all other goods those conditions are not necessary; and therefore the old right and power of regular prelates with regard to the alienation of them remains entire.

Under real property are comprehended not only corporeal things which are fixed and immovable, but claims and rights and rents of long continuance, or a long-continued right to these, a term of ten years being reckoned as long continuance; and also rights or dues accruing from or connected with real property, and partaking of the nature of it.

As to these debts or dues, it is necessary, however, that a right to them should be already vested in the monastery; for before this they are not the goods of the monastery, or ecclesiastical goods, and so are not subject to the conditions just mentioned with regard to their alienation, which remains under the ordinary administrative power of the prelate. For example, if a donation is offered to a monastery under certain conditions, or a legacy is left, before acceptance of it the monastery has not an acquired right to it, and therefore the power of not accepting it remains with the prelate, who can also alienate or exchange the goods left to him, for the greater advantage of the monastery. The prelate should however observe whatever is prescribed with regard to this by his Rule; and if nothing special is there defined, he should observe the general rule—in grave matters to do nothing without the consent of the convent.

Among precious movable goods are included vessels and vestments dedicated to the Divine service, when these are of value from the kind or quantity of the

material, or the character of the work, such as vessels of gold or silver, gems, vestments of gold or very rich silk. A large library also belonging to the monastery is so reckoned, although not single or even several books. Also an entire flock of sheep, or similar "self-moving goods," which are fruitful, and which are in common estimation reckoned as equivalent to immovable goods. Trees likewise, whether they bear or do not bear fruit, which are valued and sold at a considerable price, which improve the ground and which, inasmuch as they cleave so it, are in a manner, and like the ground itself, immovable goods or real property.

Other movables which are not of this character, and which are not capable of preservation, are not, even if they should be of great value by reason of their quantity, reckoned among precious movables, such as for instance, money, oil, wheat, wine and other fruits, and garments which are easily worn out by daily use, and are not of great value. All these can be exchanged or sold by the prelate without the foresaid solemnities, for he retains his entire power of administering them, since the earlier Law remains in its entirety where it has not been altered by the later Law.

XXVIII.—THE POWER OF ADMINISTRATION IN REGULAR
PRELATES, ACCORDING TO THE STATUTES AND SPECIAL
INDULTS OF THEIR RESPECTIVE ORDERS; AND IN
PARTICULAR, OF THE SOCIETY OF JESUS.

The prelate of every religious Order can, and ought to administer the goods of his monastery or Order, in

accordance with the Indults and Privileges granted thereto by the Apostolic See, and according to his Rule and Constitutions approved by the same See. Apostolic Indults give power to derogate even from the Common Law; and the Constitutions of an Order constitute a law which its prelate is bound to observe.

As in the Society religious government is reduced to a perfect monarchy, so the whole power of administering all the temporal goods of the Houses or Colleges of the Society is attributed by its Constitutions to the General, with this sole exception that he cannot dissolve Colleges or Houses once accepted, or entirely alienate real property. His power extends to all movable goods without any limitation, and therefore comprehends also precious movables.* It extends to real property, so far as imposing taxes upon it is concerned, if power of redemption is retained. He can also let, or give power to let for more than three years, and enter into all other contracts which do not contain a proper and perpetual alienation or transference of dominion as regards either ownership or use. Absolute or perpetual alienation is not granted to him by the Constitutions, and it is one of those grave failures of duty for which he might be deprived of his office. In order to alienate he requires the consent of the Society, but not that it should be expressed in a General Congregation, for it suffices that it should be expressed through the Provincials, who may also, in derogation from the Common Law, be consulted singly and by letter. The Society, on the other hand,

* The consent of the Holy See has been prescribed as necessary in order to the alienation of precious movables, by a Decree of Urban VIII.

can never alienate apart from the General, not even in a General Congregation, during a vacancy of the Generalate, and although it is presided over by a Vicar-General. In dissolving a College, regard is had not to the advantage or disadvantage of that College, but to the advantage or disadvantage of the Society; but in alienating the goods of a College regard is to be had first of all to the advantage of the College. By the advantage of the Society is not always to be understood its temporal advantage, but sometimes a spiritual advantage, such as the removal of scandals or disturbances, in order that the harvest of souls may not be hindered; and this is left to the prudent judgment and discretion of the General.

XXIX.—WHAT POWER HAVE REGULAR PRELATES TO CONFER ORDERS?

Ecclesiastical power is twofold, namely, power of jurisdiction, and power of Order. To the first the power of administering temporal goods is annexed as an accessory. Power of Order is that which exists in order to acts of sanctifying, consecrating or solemnly blessing any thing or person. This power does not belong specially to the prelates of a religious Order as such, but is supposed in them from the fact that they are priests. By institution or concession of the Church, however, certain powers have been granted to them, and are communicated either to all or to many of them.

A simple priest can only, in virtue of his ordination and the common institution of the Church, effect, besides sacraments, a few sacramentals, such as holy

water and the like, as contained in the Missal and Roman Manual. The Pope can however extend this power by means of special privileges. Hence if the prelates of religious Orders have any farther power of this kind, it must necessarily have been granted to them by special Pontifical Indults. These are therefore to be consulted, although there are certain points which have been inserted in the Common Law.

Of the Abbots of religious Orders, some are blessed and some are not blessed. An Abbot is not constituted in his office by benediction, but by election and confirmation; and benediction is as it were an adornment, and *quasi*-ordination or consecration of him who is already constituted in that dignity. This benediction, like the tonsure and other ecclesiastical benedictions of one and the same permanent thing, cannot be reiterated. To this benediction power to perform certain acts was anciently attached, which may be called in a manner acts of Order; for an Abbot who has been elected and confirmed can exercise acts of jurisdiction, but he could not anciently bless or ordain, unless he had himself been blessed. Benediction of the Abbot was not however absolutely necessary in order to those acts, for by concession of the Pontiff an Abbot who is not blessed can perform the same acts of *quasi*-Order as an Abbot can perform, who is blessed. When of old the Abbots were blessed by the bishops, they did not previously perform such acts; but since the bishops sometimes refused or delayed this benediction too long, Alexander III. granted that if a bishop, having been requested three times with humility and devotion as is fitting, refused to bless

Abbots, it should be lawful to them to bless their monks, and to do all things else which pertained to their office.

Certain prelates of religious Orders can confer the tonsure and minor Orders, and anciently they could also ordain sub-deacons.

Four conditions were required in regular prelates in order to their possession and exercise of this power; first, that they should be *Abbots*, that is, prelates of a monastery, and this comprehends all true regular prelates even if they are not called Abbots, for they differ in name only and not in reality as regards the dignity of their prelature; secondly, that they should be *priests*, for anciently they were often not priests; thirdly, that they should be *blessed*; and fourthly, that they should have *jurisdiction*.

Abbots can ordain, to the extent mentioned, only the monks of their own Order, and that within their own monasteries. Although their power exists for the purpose of an act of Order, and is therefore in a wide sense called a power of Order, yet it does not arise from an intrinsic and *quasi*-divine extension of the *sacerdotal* character, which alone is supposed in the Abbot, but from an extrinsic extension by the will of the Pontiff. This extension therefore does not exceed the terms prescribed by the Pontiff, and outside these there is no power validly to ordain. The case is similar to that of confirmation by a priest. When the Pontiff grants leave to a priest to confirm only the inhabitants of a certain city, he cannot validly confirm others, since he is not in himself the minister of this sacrament, but only in so

far as power to administer it has been granted to him. Again, the Pontiff may grant this privilege only for a certain time, and when that has elapsed, the priest can no longer either confirm or ordain, since he is no longer a minister by commission. Further, the Pontiff can revoke such a privilege even when given absolutely, and therefore the power is not in all things similar to the power of character, which is indelible and irrevocable. Hence Abbots cannot ordain persons who are not their subjects, even when requested by the prelates of those persons; for one prelate can only invite another to ordain for him, when that other is endowed with sufficient power of Order or sufficient commission of the Pontiff. No prelate beneath the Supreme Pontiff can commit to an extraordinary minister those things which pertain to the power of Order; and inferior prelates can give leave to their subjects to receive a sacrament from those only who are its ministers either by consecration, or by concession of the Pontiff.

XXX. — THE POWER OF REGULAR PRELATES TO BLESS
OR CONSECRATE VESTMENTS AND OTHER THINGS.

Certain benedictions are granted by Common Law to simple priests, such as the blessing of water and bread, as found in the ordinary Missal; while others are, of ordinary right, proper to the bishops, such as the consecration of a chalice or altar, and the benediction of sacred vestments. Again, some of these benedictions are made with chrism, as in the case of a chalice or altar,

while some are made simply by prayer and sprinkling with holy water.

Regular Abbots can bless sacred vestments, and palls and corporals; but they cannot consecrate chalices or altars, or effect any consecration which requires anointing with chrism.

CHAPTER XIII.

APOSTATES OR FUGITIVES FROM RELIGION; RELIGIOUS WHO DESERT OR IN SOME WAY CHANGE THEIR STATE; AND THE OBLIGATIONS OF SUCH PERSONS.

I.—WHEN IS A RELIGIOUS TO BE RECKONED A FUGITIVE OR APOSTATE? AND WHAT PUNISHMENTS DOES HE INCUR FOR THIS CRIME?

A PROFESSED religious cannot lawfully, at his own discretion and without due leave, depart from his Order, nay, nor from his convent; since by reason of his state and profession he is bound to perpetual perseverance, and consequently by reason of his Rule or of obedience he is bound in some way to retain the religious life in the cloister, under the proper ensigns or in the habit of his Order.

The first and least degree of fault is when he goes out of the monastery without the knowledge of his prelate, but observing in other ways what belongs to due and ordinary departure from the monastery, namely, that it should be in the daytime, by the common gate, and for a short time.

Although such going out, apart from scandal or depraved intention, and apart also from any precept under obedience or declaration of a prelate or statute, might seem to be a slight fault or even to be excused from fault,

in a case of just necessity or great advantage, when the leave of the superior, if absent or not then accessible, might be prudently presumed; yet there can scarcely be in such a departure a concurrence of all these circumstances, and in proportion to the failure of them will be the grievousness of the fault.

If the religious goes out not by the accustomed door, or not by any door, but in some other extraordinary way, this can scarcely be excused by any circumstance from mortal sin, at least by reason of the moral peril of scandal and dishonour not only to himself but to the Order.

Much more grave will his fault be if he goes by night, which will never be excused, even if we suppose what can hardly be believed, that this is done without a grievously sinful intention. Clement VIII. absolutely lays down among the cases for reservation among regulars, nocturnal and furtive going out of the monastery even without the intention of apostasy. Even if there were no express canon law universally prohibiting departure without leave under mortal sin, and no such precept in the Rule of any Order, this would nevertheless, on the ground of common observance and the custom of all Orders, be the received doctrine.

Such a sin is against justice, and, inasmuch as it concerns a sacred thing, it includes the malice of sacrilege. The monastery and its enclosure is a sacred thing, which is grievously violated by furtive and nocturnal going outside it.

The second degree of sin is when a religious departs

from the monastery without leave, with a purpose of flying from obedience and subjection to his prelate, although not with the intention of remaining in the world or abandoning the Order or habit, but on some other occasion or pretext, with notable and scandalous delay, although always with a view to return. This is properly called "flight from the monastery," but is not strictly *apostasy*, which requires several other conditions.

"Flight from the monastery" is a grievous sin against justice and religion; since a religious is, in virtue of his state or profession, bound to be subject to the power and government of the prelate of his Order, and to be in union with that body under its head. Such flight is, of its own nature, scandalous both to the religious and to externs. It is, moreover, specially prohibited by the Council of Trent, which ordains that those who thus fugitively depart from their convents are to be punished by the Ordinaries as deserters of their Institutes.

This flight is not so intrinsically evil that it may not be justified by a necessary cause, such as excessive vexation from a proximate prelate with manifest injury, or excessive punishment of some defect, or certainly affliction without just cause, or deprivation of those things which by the ordinary law of the Order are due to the religious, especially if this should have been accompanied by shame and dishonour. In such cases, if a religious departs without leave, with the intention not of vagabondizing, but of going to a superior prelate, he will be excused from sin, because the right of self-defence is a natural right, and he might presume an

interpretative will of the superior prelate. Leave however ought to be sought for so going, if there is any hope of obtaining it, or even if there is no sufficient reason to despair of obtaining it, and if the religious does not fear his being hindered in his recourse to his superior, or anticipated by false informations, or otherwise having his defence damaged. Even if he has no hope of obtaining leave, he ought to ask it, out of civility to his superior whom he might otherwise appear to hold in contempt, and in order also to improve his cause. His asking leave may moreover be the greatest means of quelling the scandal, and if scandal should afterwards arise, his superior and not he will be reckoned to have been the cause of it. The necessity for going without leave should be so great as to preclude all idea of first asking and waiting for leave from the superior prelate; unless the matter should be of such a nature that the presence of the religious is necessary in order to the full information of the superior prelate, or that there is no hope of obtaining either leave or remedy by letter only. A concurrence of all these circumstances is rare and difficult, and it is more difficult for a subject to make a prudent judgment in his own case, and therefore such flight should never be made without counsel of the prudent, who will seldom advise or permit it.

The third degree of change of state, and consequently of sin, is when a religious deserts his Order with the intention of not returning, even if he should not abandon the habit. This may be done in two ways; either with

the intention of passing to another religious Order, or with the intention of remaining in the world, and this, either with a purpose of always retaining the habit, or absolutely with an intention of conducting himself as it shall best please him, or as he shall deem expedient.

It is certain that by such flight a grievous sin is committed, since it includes the whole malice of the sin of the previous case, and increases it by reason of the intention of perpetual desertion of religion, and consequently of refusing for the rest of his life obedience to his prelate, and of defrauding the Order of his services and actions or ministries, and in all this there is great injustice and sacrilege.

This sin is properly *apostasy* from religion, and is included as such by Clement VIII. in his Decree with regard to the reserved cases of regulars, when he speaks of apostasy from religion, whether the habit is abandoned or retained. He who so leaves his Order, does not remain, and does not will perpetually to remain under the religious obedience of a prelate, and so he wills absolutely to withdraw from the religious state, and is therefore an apostate from religion. Without obedience the religious state cannot endure, obedience being of its substance, and the exercise of poverty being apart from obedience impossible. It is not necessary to apostasy from religion that a person should rid himself of the substantial bond of religion, for this he cannot do by his own authority; and if it is done by authority of the Pontiff, he is no longer an apostate. It suffices to apostasy that he should actually, so far as lies within his power, abandon the religious state; and this he does

who departs from his Order with a purpose of perpetually remaining without the yoke of obedience, and consequently without the practice of poverty.

It does not matter that he does not abandon the habit or has no purpose of abandoning it, for "the habit does not make the monk," and it is not of the substance of religion. There may be a true religious Order without a special habit, and from such an Order there can certainly be apostasy; and in any Order the retention of an accidental sign can be but of small moment when the substance of religion has been abandoned. Even if an apostate were to retain the observance of chastity, which is more substantial to the religious state than is the habit of a religious Order, he would not thereby avoid apostasy; and the case would be the same with regard to retention of other observances, such as fasting and the like.

A fourth degree of change of state is made by flight from the Order with abandonment of the habit, and with intention to remain outside religion, not for ever, but only for a time. This is a mortal sin, and by it excommunication is incurred.

If the flight and abandonment of the habit should be with intention to remain and live in the secular state for a long time, either for a determinate space of three or four years, or indeterminately at discretion, or until the end of some transaction, true apostasy is committed. The intention of a change of state for a long time may be regarded as morally perpetual, from the peril of death, or of never returning, or of a depraved habit, and

the greater difficulties which may be feared after the lapse of so long a time.

The fifth degree of change of state is when a religious departs with a deliberate intention of perpetual abandonment of the religious life, and divests himself of the habit. This is the most complete act of this kind of wickedness, and is certainly apostasy; and he who commits it becomes instantly and in the moment an apostate, and incurs excommunication and the other punishments of apostates.

Internal apostasy is committed simply by a purpose of abandoning religion. It does not entail ecclesiastical penalties, not even excommunication, nor is it reserved. External apostasy consists in actual abandonment of the habit or Order. In order that apostasy should be external, so as to fall under the censure and reservation, there must be departure beyond the bounds of the monastery or convent. Hence although a religious should have changed his habit and put on secular attire, and left his cell, and arrived at the bounds of the monastery, if he should change his mind before he has passed them, nay, even if he should have been captured and detained by force, he will not be absolutely an apostate, since he has not completed that act which is signified by the term—*Apostasy*.

II.—WHO ARE CAPABLE OF APOSTASY? AND TO WHOM DO THE GOODS OF APOSTATES BELONG?

He is not a true apostate, nor does he incur the punishments of apostasy, who is not a true religious.

Hence a novice does not become an apostate by departure, because he has not yet made profession, and so is not properly a religious. A person who contracts matrimony after a simple vow of chastity, is not an apostate. Neither is one an apostate who has made the three simple vows of poverty, chastity and obedience in the world, whether in a private manner of life, or in a community and mode of living which has not been approved by the Church as a true religious Order ; even if he should have embraced a state of life which is at variance with those vows, since he was not a religious, and so did not withdraw from the religious state, in departure from which the idea of apostasy consists.

All true religious, even those who have made only simple vows in an Order approved by the Church as a true religious state, are truly apostates and incur the penalties imposed by Common Law on apostates, by criminal departure from their Order. No departure from religion which has been made without sin can be called an apostasy ; as when for instance a professed religious with leave of the Pontiff lays aside the habit and lives outside the cloister, or even takes a wife, if his dispensation with legitimate cause should extend to this. So also if a religious departs with the lawful consent of the Order, even if he himself should also consent, he is not an apostate, for neither in his consent nor in his departure does he sin. Even if he should sin by consenting for a bad end, or by procuring his departure, or should by previous sin have given cause for his dismissal, yet in his departure he would not commit apostasy. If the consent of the Order should be extorted

by fraud, or surreptitiously by feigning a cause when in reality there was no cause, or by means of moral force through evil living indulged in by him for the purpose of securing his free dismissal, such consent of the Order would not secure the religious in conscience against the crime of apostasy.

Religious prelates are bound to seek out and strive to bring back their fugitives to their monasteries, for they are bound, in virtue of their office, to watch over and provide for the common good of the Order, and the spiritual welfare of their subjects. If however, the fugitive is, on the evidence of experience, manifestly incorrigible and hurtful to the Order, the pastor will be excused from the burden of seeking after so diseased a sheep, since the common good is to be preferred to the private good of the individual. St. Buonaventure says that if, by the permission of God, such an one expels himself, thanks are to be given to God, not because he has sinned, but because he has delivered the sheep from pestiferous contagion; "would that they were cut off who trouble you," that is, your purity, your peace, and your good name: and he suggests the reason, namely, that as the Order has power to expel so pernicious a religious, so if he himself should go away, it will not be bound to bring him back.

But even if a religious besuch that he might be expelled, the prelate ought nevertheless to do all that he fittingly can, to deliver him from the state of damnation; for, although the Order may rejoice at the cutting off of a member, yet, since this has been done in an unlawful manner, the apostate remains always in the state of

damnation, until he has been absolved and has had leave granted to him by a competent prelate. Although he is bound to look after himself, and to procure a remedy, yet since while a fugitive he remains always under the care and jurisdiction of the Order, its prelate is bound to administer to him a remedy. He will satisfy his duty by sending him absolution and leave for departure, if in his prudence he should judge this to be expedient; but, as a rule, the apostate ought to be recalled, and incarcerated and punished for his apostasy. This is expedient as an example to others, and "vexation may perhaps give understanding," and even if he is to be expelled, this may do him good and lead to his living more cautiously outside religion. His recall may also be useful by reason of his being heard, and its being ascertained whether in the Order or in the Province there exist any special occasions of his fall and contumacy.

An apostate is bound, in returning to his monastery, to carry with him all the goods which he has acquired, apart from forbidden traffic, either by begging or donation or as just stipends for masses or sermons, or by means of manual labour or the like. These belong to the monastery or Order, in accordance with its laws and the disposition of its prelate, since a religious, in virtue of his state, acquires nothing for himself but all for his Order. He cannot therefore give them away, or consume any superfluity of them, but can use only what is necessary. Although a religious cannot, by reason of poverty, accept anything without leave of his prelate, yet an apostate does not necessarily in this way always commit sin, since he is living in a state in which leave is morally

impossible, and in which it is at the same time necessary for him to accept something. Although this impossibility is begotten of sin, yet, after the impossibility has been created, it may excuse from fresh sin.

Other goods which the apostate has, not unjustly, but unlawfully acquired, either by sin and co-operation in sin, or by traffic which is prohibited by the Sacred Canons to ecclesiastics, are, apart from positive law, acquired to the monastery, because such goods would have been acquired by the religious himself, if he had been capable of their acquisition.

III. — THE GUILT, OBLIGATION, AND PUNISHMENT OF THOSE WHO IN ANY WAY CO-OPERATE TOWARDS THE APOSTASY OF A RELIGIOUS.

Co-operators with apostates sin grievously against divine and natural law, as taking part in a thing which is intrinsically evil, sacrilegious and unjust. There are two general modes of such co-operation, namely, positive and negative co-operation; and in each there are various degrees. The first and greatest degree of positive co-operation is when one induces and excites a religious to departure or flight, for this is not only to co-operate, but also in a manner very principally to operate, and to be the first author of the apostasy. The second is, in giving counsel to a religious who seeks it, to approve of what he contemplates; for this, besides being moral co-operation, is perniciously to deceive one's neighbour in a grave matter. The third is to aid him in his flight, either by opening the gates or removing other hindrances,

or lending him aid to overcome them. The fourth is to receive, conceal or defend the apostate after his departure. This is not concurrence with the sin of apostasy which is committed in the act of iniquitous departure; but since the apostate sins not only by the act of departure, but also by remaining in the world, or by not returning to the cloister, those who receive, conceal and defend him, sin in so far as they co-operate towards his detention or are causes of his not at once returning to his Order. If a friend or kinsman receives the apostate into his house, or supplies him with the necessaries of life, simply because he is a friend or kinsman, and in no other way co-operates towards his detention, he does not co-operate in his sin, since he in no way causes it, but only relieves his natural necessities. It is otherwise if he supplies him with things necessary for his flight, such as a horse, money or the like.

There is negative co-operation when one has power to hinder the flight of an apostate or his remaining in the world, and neglects to do so; that is, supposing an obligation to interfere, for in omission there is no guilt where there is no obligation. The obligation may be twofold, one of charity, and another of a duty which belongs to justice. The first does not suffice to constitute co-operation, or to incur the special malice of apostasy, since the sin is only against charity or mercy. An obligation of duty suffices to constitute positive co-operation, and one so bound does an injury to religion by not hindering the sin; and the damage arising to religion is imputed to him as if he had positively inflicted it, and therefore he is reckoned as morally co-operating.

He who makes a religious to apostatize is in no case bound to enter religion, in order to supply his place, even if there has been force or fraud, and the loss cannot otherwise be repaired. Entrance into religion is a work so difficult and so much of supererogation that no one is to be compelled to restore under such a burden ; and this is true even were one to kill a religious. Neither is one bound to seek out another person who is prepared to enter religion in place of the apostate. Entrance into religion is not in itself intended for the advantage of the Order, but for the spiritual advantage of the religious himself ; and no one, moreover, is bound to restore from the goods of another, or even to ask their owner's consent. One is not bound to make any restitution to the Order for the mere absence of the apostate when one cannot restore him in person, and his presence and society cannot be reckoned among those goods from deprivation of which an obligation of restitution arises. If one robs an Order of a professed religious by force or fraud, one is bound in the first place to cease from the force, or undo the deception, in order that the religious may restore himself to the Order. But if this effect does not follow, one is not bound to other restitution by reason of the person. If however the monastery has lost some temporal gain by reason of the absence of the religious, one will be bound to restore that to the Order. If one, apart from force or fear, induces a religious to apostasy, one is not bound of justice to restore anything either to him or to the Order ; since the act, as it affects him, is not against justice, but against charity, from which an obligation of restitution does not arise ; and

although, as it affects the Order, it is an injury which demands compensation, yet it is an injury of such a nature that restitution cannot be made save by the religious himself.

IV.—CAN A PROFESSED RELIGIOUS BE JUSTLY EXPELLED BY HIS ORDER?

A professed religious can be lawfully expelled by his Order for a just cause. The common good of the Order is to be preferred to the private good of an individual religious, and it is morally necessary to the common good of the Order that it should be able to cut off a putrid member, lest it should infect the other members. No wrong is hereby done to a religious, since the covenant of the Order with him, when it binds itself to him by accepting his profession, includes the condition that he should study to live according to the Rule, and not to disturb the Order but to shew himself obedient and open to correction; and so, if he is faithless, the Order is no longer bound to him, and can expel him. It is not therefore necessary that the religious should consent to his own expulsion. Expulsion is not so much a medicinal as it is a vindicative punishment in order to the common good; and so it does not depend on the consent of the delinquent, but can be inflicted against his will, if it is judged expedient for the common good.

In order to the expulsion of a religious some incorrigibility on his part is always necessary, but actual contumacy is not always necessary.

He should not always be expelled for even a grievous

fault, but other medicinal punishments should first be administered, and tried in all ways for his amendment. This is much in accordance with the religious state, which is a school of virtue and perfection, to which it belongs not only to promote virtue, but also to correct faults, and especially to cure the infirm. It is therefore very foreign to such a state at once to despair of the infirm, which would be done by expelling them without much previous treatment. If, however, a religious having been over and over again corrected does not amend, and again and again relapses, even if he should afterwards offer and promise amendment, it may be that sometimes he ought to be expelled, for he may be said to be sufficiently incorrigible. It is one thing to be incorrigible, and another to be actually contumacious. Contumacy implies an actual resistance of the will, while incorrigibility implies only reiterated relapses after correction.

Two conditions are necessary in order to just expulsion of a religious; one is the commission of a grievous sin, which is external, and such as to give scandal to others, or bring dishonour on the Order; the other is that correction and admonition should have been administered without fruit or amendment.

As expulsion is an act of vindictive justice, and of great compulsion, it requires jurisdiction. First and principally the Supreme Pontiff possesses this power, not only as he is Supreme Pastor of the Church, but also as he is the Supreme Prelate of the Order. The body of the Order also possesses this power; and it is not necessary that it should have been specially conferred

upon it by the Supreme Pontiff, but suffices that it should not have been taken away or reserved. Every corporate body has the right of severing from itself contagious members, and every commonwealth has the right of expelling those who disturb it, and power to do so resides in the body of the commonwealth.

V.—IS AN EXPELLED RELIGIOUS BOUND, AND IN WHAT WAY IS HE BOUND TO RETURN TO THE ORDER?

By expulsion religious profession is not dissolved as regards its bond, but only as regards practice and cohabitation; for a religious, although expelled, does not thereby cease to be a religious. If he has been solemnly professed he remains always incapable of matrimony even if he is not in Sacred Orders. His profession, and whatever is of its substance, remains in its entirety, and therefore his three vows of chastity, poverty and obedience continue.

An expelled religious is not reckoned as morally to have sufficiently amended until he humbly petitions to be again received into the Order. He is bound to amend sufficiently to satisfy the Order that he may be again received into it. Even if he should have been again and again refused, he will be bound to re-enter the Order if he is recalled, unless he should have in the meantime passed to another Order, and thus had his first obligation as it were commuted. By his expulsion he is not loosed from his vow of obedience, although for the time being he cannot practise it, being deprived of the actual government of a superior; and so if he is recalled

to actual obedience, he is bound in virtue of his vow to return and obey. No one should gain by his fault ; and for his fault the religious was deprived of the advantages of religion, but he is not by reason of his fault freed from its burdens.

Even if the Order should be willing perpetually and without any limitation to renounce its right of recalling him, it could not do it, for that right pertains principally to God, and cannot be renounced by the will of man without just cause. In the same way a religious cannot renounce to the Order its obligation of receiving him back when his fault has been sufficiently punished, and when there is no peril for the future, since this would be at variance with the right which has been acquired by the bond of perpetual profession.

When an expelled religious returns to his Order, either at his own request and with the consent of the Order, or by command of the Order which he does not resist, his return must be effected by some one who has sufficient power for the purpose, since it is a most grave matter and one which belongs to the government of the Order, and so cannot be done by private authority, but by the public power of the Order. The person in whom the power is vested will be determined by the Institutes and Rules of the various Orders, for nothing is ordained in the common law, save that Abbots are instructed to receive expelled religious to regular discipline, where this is not contrary to the Rule ; or to receive them to a strict custody or separate mode of life near the monastery, under the providence of the Order and at its expense, where according to the Rule they cannot be

received to common life. What is said of Abbots in some Orders applies in others to the prelates who hold their place.

When an expelled religious is again received he ought not to make a new profession, since he has not been by his expulsion set free from the bond of his profession and solemn vows. He does not, therefore, need new profession, but only a revocation of his previous suspension and actual separation from the Order. Not only is new profession not necessary but, strictly speaking, it is not possible, since valid profession, of entirely the same character, cannot be multiplied in the same person, although for purposes of devotion it may be externally renewed.

He who has merited expulsion loses his right to his grade in profession as regards his seat, voting and other prerogatives for which antiquity of profession is necessary. If by reason of his fault he merited expulsion, much more does he merit this deprivation as a punishment; and although when he is again received his punishment is remitted in part, it is not necessary that it should be remitted in whole, and as regards this accidental circumstance. The condition of the person may nevertheless be such, and his repentance and amendment so great, that he may be reckoned worthy of a greater remission of his punishment; and this is sometimes expedient for the good of the Order, that others who have been expelled may be encouraged to do penance.

A religious once expelled can freely, if he chooses, enter another Order, if he has first used diligence to be

received back into his own Order, and without success. He can also, immediately on being expelled, and without waiting for any leave, or using any diligence to be received back into his own Order, enter a more strict or even an equally strict Order. He does not thereby do any injury to his own Order, since it has expelled him ; nor to the religious state as such, since he embraces another state which is better than, or equal to his former state. But since in virtue of his profession he is bound to remain, so far as lies in him, in a state of the same perfection, he cannot, so long as this depends upon himself, freely pass to an Order which is less strict than that from which he has been expelled.

An expelled religious is, however, never bound to pass to another Order, but can freely remain in the world, when after his amendment he has been rejected on shewing himself ready to return ; for in those things which belong to counsel no one is bound save to that to which he has bound himself by vow.

VI. — TO WHAT IS AN EXPELLED RELIGIOUS BOUND,
WHO IS LAWFULLY AND FREELY LIVING IN THE
WORLD ?

As regards his vow of chastity there is no difficulty, since its observance does not depend on any prelate, or on any special mode of life, and therefore it can and ought to be observed everywhere in its entirety.

An expelled religious remains a true religious, and therefore he is bound, as far as he can, to preserve his state and religious life, at least as regards its substan-

tials. This he cannot do unless he specially obeys some one, and there is no one to whom such obedience can and ought to be given rather than to the bishop. Those who in ancient times professed a private or solitary religious state were thereby specially subjected to the bishop, and all monks were specially subject to him unless they were exempt; and a religious, after he has been expelled from his Order, remains in a *quasi*-solitary religious state, and he is also deprived by expulsion of the privilege of exemption, and therefore he is reduced to the old law, and remains subject to the bishop; and this not only in the way which is common to secular clerics and to the faithful, but in a special manner and as he is a religious.

A vow of religious obedience is made not only to the intrinsic prelates of the Order, but also to extrinsic prelates. By exempt religious it is made to the Supreme Pontiff, as he is in a special manner the Prelate of all religious Orders; while by religious who are not exempt it is made to the bishop, to whom they are subject, as to a prelate who is superior to all their other prelates, and consequently it is made also to the Pontiff as he is Supreme Prelate of all religious. If therefore an expelled religious is not exempt it is clear that he remains under the obedience of the bishop, in virtue of his vow, because from the beginning he promised obedience to him as to his prelate. Although an exempt religious did not promise obedience to the bishop materially, so to speak, yet he promised it to all his prelates; and although before his expulsion the bishop was not his proper prelate, and he was therefore not bound to him by his vow of

obedience, yet after his expulsion, the bishop began to be his prelate, and therefore the religious began to be bound to him in virtue of his vow. Again, the vow of an exempt religious was made not only to the prelates of his Order, but also to the Supreme Pontiff, nay, to him primarily and principally, and to others as his vicegerents or as holding his place; and therefore, even after his expulsion his vow binds him to obey the Pontiff, and so to obey his vicegerent, who is then the bishop, since by his expulsion the religious loses the privilege of exemption, and consequently, by the either express or tacit will of the Pontiff, is subjected to the bishop, since it is not likely that the Pontiff, who is truly the *Ordinary* Prelate of the Order, should leave him altogether free and not subject to any government.

Besides the vow of obedience, and the direct obligation begotten of it, the bishop, in virtue of his own office and jurisdiction, has power to rule every religious person who is not exempt, in a way becoming to and befitting the religious state. Although a religious does not vow obedience to the bishop, yet being a religious and constituted in that state in the *forum* of the Church, it belongs to the bishop to govern him in that state, and to prescribe what is becoming to that state, and to remove all that is unbecoming to it. A religious is, as such, and in a special manner a sacred and ecclesiastical person, and hence on this ground alone he begins to be under the special care of the prelates of the Church, and consequently, when exemption ceases, belongs to the special care of the bishop. He owes to him a special

obedience very different from that of seculars, whether lay or clerical, since it is in order to a different end, and consequently embraces different means. This therefore suffices, even apart from vow, to cause an expelled religious to be under the special obedience of the bishop and to be bound to obey him in matters belonging to his state, if not from vow, at least by reason of the pastoral power of the bishop in its relation to that state. Hence he is bound to manifest himself to the bishop and make known to him his state, in order that he may be governed by him; for those who are bound to the doing of a thing, are bound to all that is necessary in order to the doing of that thing.

An expelled religious is free forthwith to present himself to the bishop of the place in which his monastery is situated, and to obey him, whether by reason of his domicile which he then chooses and begins to have, or because he is then a *quasi*-pilgrim, without any domicile, and therefore subject to the pastors of the place where he is for the time being. He is not, however, obliged to do this, but may, if he chooses, go to the bishop of his birthplace. His choice lies between those two, for as regards other bishops he has no ground of subjection to them.

An expelled religious is not bound to recite the Canonical office, unless he is in Sacred Orders, for he has not specifically vowed this. He is not bound to observance of the Rule, and much less is he bound by any custom which obtains inside the Order; and there is no ecclesiastical precept which ordains this. It is no ques-

tion of exoneration or of his profiting by reason of his sin, but an absence of foundation for the obligation; the foundation of such an obligation being not bare profession, but profession with actual determination to choir and to certain customs, and this determination has been interfered with by his expulsion from the monastery.

He is not bound, nay, he cannot wear the habit of his Order, since he has been justly deprived of it, and deposed and as it were degraded from the monastic state, and so the habit of the Order is not permitted to him. For him to wear it would be to the great injury and dishonour of the Order. The habit, according to common conception, signifies actual union with the Order and life under its obedience; and this signification in an expelled religious would be false. Neither is he bound in virtue of his religious profession to wear the clerical habit, unless he is a cleric; and then he will be bound to do so merely in virtue of his being a cleric. He cannot be compelled by obedience to the bishop to wear the clerical habit, since he neither directly vowed this, nor did he vow to obey in all things without discrimination as to whether or not they belonged to the religious state, and the clerical habit does not belong to that state. He can only be obliged to wear a decent dress, suitable for one who professes chastity and the state of perfection, and this must be left in individual cases to prudent judgment. Thus, if a professed nun is expelled she can be compelled to wear a decent dress suitable for a virgin, but not a dress of any special pattern.

An expelled religious is not obliged to live a solitary life, since he did not vow this, or promise to obey in

matters of this kind, nor is this manner of life according to the Rule in accordance with which he promised to obey, nor is it a means necessary in order to the preservation of chastity or of the poverty which he vowed. He can only be obliged by the bishop to live in a respectable place where he can live without moral peril to his chastity. So also with regard to residence, he did not vow any enclosure except religious and cœnobitic or conventual enclosure.

In like manner with regard to special acts or exercises of virtue, such as fasts, disciplines and other afflictions of the body, prayers whether vocal or mental, and works of mercy whether corporal or spiritual, he cannot be obliged by special obedience to the bishop, save so far as these may be necessary for the observance of chastity. One of the principal objects of the vow of obedience is to promote observance of the other two vows, and the vow of chastity remains entire in all its force and to its full extent, even when other rules and obligations cease, and therefore there can be enjoined whatever is specially and prudently judged necessary to observance of that vow. To judge of this belongs to the prelate, and extreme necessity or evident peril need not be waited for, it being sufficient that a means should be judged to be very fitting for the avoidance of peril or for greater security, and such security as is to be procured in every religious state.

As regards an expelled religious the Rule is as if it were not, since it was made not for religious in his condition, but for those who are living in their normal condition of practice as well as of obligation.

An expelled religious is not bound to obey the bishop save in three things; first, in those things which belong to the decency of the religious state, as for instance with regard to dress, occupation, business, conversation, and the like; secondly, in those things which belong to religious chastity; and thirdly, in those things which are necessary in order to the practice of poverty.

VII.—IS IT LAWFUL FOR A PROFESSED RELIGIOUS TO LIVE OUTSIDE HIS MONASTERY, EITHER WITH OR WITHOUT THE HABIT, WITH LEAVE OF HIS PRELATE? AND TO WHAT WILL HE THEN BE BOUND?

It is certain that it is not lawful for a religious to live outside his monastery without the lawful leave of a prelate who has power to grant it to him. It is also certain that with lawful leave this can lawfully be done, for it is not intrinsically evil and it is not contrary to his vows. He can observe chastity outside the cloister, as do secular clerics, and he can also observe poverty. By lawful leave there is preserved also the due subordination of obedience, since he is always dependent on his prelate's will with regard to his place of abode. A religious has there his monastery and his cloister, where he dwells by the will of his superior.

In the Supreme Pontiff, in the first place, as he is Supreme Prelate, there resides supreme power to grant this leave. The prelate of the Order has also power to grant it; but he will sin grievously if he grants it without a grave and almost necessary cause. Dwelling within the cloister contributes greatly towards religious

life, the avoidance of perils, the preservation of uniformity and perfect union with the whole body, and the edification of externs; while the separation of a religious from his choir, and a private mode of life does not contribute to the edification of the people, unless it is justified by grave and manifest causes. But, absolutely speaking, it is not necessary to religious well-living, since it is not of the substance of the religious state, and outside the cloister the three substantial vows can be observed, along with a regular life so far as its principal observances are concerned. He who is permitted to live outside the cloister is not thereby absolved from all the burdens and obligations of his religious Rule, and, apart from dispensation, is bound to observe the whole Rule, as far as place and time will permit, especially as regards actions which can be done privately and in a solitary life, such as fasts and other austerities and penances, prayers and the like. There is no ground of excuse, since these can be done apart from the society of others, and the Rule speaks absolutely and without determination of place.

The ancient canons were more strict with regard to this point, since they had reference to monks, who were not then permitted to exercise the ministries of clerics in preaching to the people, and in the administration of the sacraments. Other Orders, such as the Mendicants, do not, in virtue of their Institutes, profess so strict an enclosure; and so, although leave is necessary for going out, it can more easily be granted. It cannot be granted without a reasonable cause, for this is necessary with regard to every human act in

order that it should be rightly done; but it may be granted without any very great necessity or advantage, for sometimes a reason of friendship or of moderate recreation will suffice.

Leave granted by a prelate of the Order without a legitimate cause is null and void, for a dispensation by an inferior from a law of his superior, granted without cause, is null, and every personal prelate, even the General, is inferior to the whole Order; and residence within the monastery is, as it were, a law common to all religious Orders, and introduced at least by the usage and acceptance of all, and which obliges after the manner not merely of a rule, but of a rigorous precept. This is also true of the leave of bishops to religious who are not exempt; their power to give leave is granted to them as to inferiors, and therefore they can give it only for a just cause of necessity or advantage to the common good.

But leave granted by the Supreme Pontiff without legitimate cause will be valid, since it is not dispensation from a vow, or from any divine or natural law, but from an ecclesiastical law, dispensation from which by the Pontiff, even without cause, is valid.

If a prelate not only permits but prescribes to his subject that he should dwell outside the cloister, the subject will not sin by obeying, even if the prelate should sin by prescribing; because the subject is not bound to examine into the deed of his prelate, and it not being intrinsically and manifestly evil.

But if there is no command, but only leave or dispensation, a subject sins grievously by asking for it, if

he is certain that there is no reasonable cause, but only a desire of liberty or other human convenience ; because he is either deceiving his prelate in a grave matter, or inducing him to grant that which he cannot grant without grievous sin. The religious, moreover, will not remain safe in conscience with such leave, since it is null and void ; but he will not be an apostate, because, although he sins against the precept of remaining in the cloister, he nevertheless remains under subjection and obedience to his prelate, whom he recognises as such.

There may be more legitimate causes for granting this leave on the part of the Pontiff than on the part of the prelate of an Order ; as for instance if the Pontiff were to grant it to some veteran servant of the Church in order to his greater quiet, or, as it were, in reward of his labours, and reserving his obedience to himself, or if he were to grant it in favour of some prelate, even without great necessity ; for, since the Pontiff is himself the author of the law in which the obligation is founded, he can more easily dispense from it lawfully. If however there should be an entire absence of sufficient cause, which could rarely happen save through surreptitious representation, he would, even although he is Pontiff, sin by granting leave ; and the religious who sought it would therefore also sin, as inducing him to evil, unless he happened to be excused by ignorance. The leave would nevertheless be valid, although not so valid that the Pontiff would not remain always bound to recall it, since the wickedness of continuing that which is revocable is the same as the wickedness of granting it. So long as it is not recalled, the religious is safe in con-

science from violation of the enclosure, although not excused from some sin in his use of such leave ; separation from the body corporate, in a matter so grave, without legitimate cause, being a notable deformity. It is a sign of this that as a rule it begets scandal, and creates dishonour to religion, besides other perils which are more extrinsic.

What is to be reckoned a legitimate cause for granting leave to live outside the cloister is not defined by law, and so must be left to the prudent judgment of the superior. Generally, among such causes may be included the advantage of the monastery, direct or indirect, such as that of its patron, or a very useful friend, or a great prince who is its protector ; and the public advantage of the Church or of a whole people, as for example, the teaching of some branch of learning which it is otherwise lawful for a religious to teach. Sometimes a private cause may suffice, especially if it is one of piety and which concerns the person of the religious himself.

Leave may be granted more easily for a short than for a long time, and a less cause may suffice for it ; and more easily for a limited, although long time, than indefinitely without limitation of time. It is certain, however, that it may be granted indefinitely, not only by the Pontiff but by the prelate of the Order, because this is not prohibited by any law, and the cause may be such as to be sufficient.

In this sense the leave may be perpetual *negatively*, that is, without any certain termination ; but a leave cannot be granted which is perpetual *positively*, and so

as to be irrevocable. A prelate cannot exempt a subject from his obedience. So long as the leave is revocable, the subject remains always under the obedience of his prelate, and so this leave is not at variance with his vow of obedience; since it is not of necessity to obedience that he should be in local contact with his prelate, so as to be proximately governed by him in every particular matter. A regular prelate cannot therefore grant a leave which is irrevocable by himself or by a superior prelate, but he can grant a leave which is irrevocable by an inferior prelate; and with still greater reason can the Pontiff grant a leave which cannot be recalled by any prelate of the Order, because the Pontiff is their and its Supreme Prelate. The idea of obedience is preserved in its entirety if the supreme prelate is obeyed, when he reserves to himself all right over a particular person.

A religious living with leave outside the cloister cannot possess any property or have anything as his own, by reason of his change of life, because this would be contrary to his vow of poverty. He remains always a member of his Order, and therefore if he has anything, the dominion of it is in his Order, or in him in whom resides the dominion of all the goods which his Order uses, as in the case of the Friars Minor (see vol. i. p. 329).

In all things the rules of poverty are to be observed by him, with this only difference, that there is of necessity granted to him an as it were permanent, and in a manner, general leave to give and receive; which is however necessarily limited, either according to the expressed will of his prelate, or according to the general rules of obligation of the vow of poverty. Hence, in

virtue of leave to live outside the cloister, no special leave is granted freely to dispose of goods acquired in that state, because between that state and such leave there is no necessary connection. That only which is required by human necessity and respectability, or because it is becoming, especially by way of mercy, as for instance, leave to give alms as right reason shall dictate, is granted, and this is reckoned to be granted where it is not denied.

VIII. — IS IT LAWFUL IN THE NATURE OF THINGS FOR A PROFESSED RELIGIOUS OF ONE ORDER BY HIS OWN AUTHORITY TO PASS TO A MORE STRICT ORDER?

To pass from one Order to another is not in itself and intrinsically, or in the nature of things evil, even if done by one's own authority, so long as it is to a more perfect Order. This may be done even against the will of one's own Order, since it is not contrary to one's obligation to God contracted by religious profession. As in matrimony contracted but not yet consummated there is acquired a true right and dominion, and nevertheless either party can recede from the contract by passing to religion, because the contract intrinsically includes this as a condition in order to greater fruit; so with much greater reason is there intrinsically included a condition, in order to greater fruit, in the contract which is entered into by religious profession in a particular Order with that Order; because matrimony is not in itself and immediately ordained in order to spiritual perfection and the service of God, as is religious

profession. There is therefore rightly included a greater leave in religious profession than in matrimony, for in matrimony the leave lasts only so long as the matrimony is not consummated, while in religious profession it is perpetual, and by no lapse of time, nor by any use or action does the Order acquire a greater right over the subject than that which is given by profession; there being so to speak no consummation of the religious state until it passes to the state of glory, or until the end of life.

We read of the old monks that they were wont to leave their monasteries either to embrace a solitary and more austere life, or to avoid certain spiritual disadvantages. Cassian relates that the Abbot Pynuphius left his monastery to avoid the honour of the reverence with which all regarded him, and to exercise himself in the humility and subjection which his soul desired. St. Macharius did in like manner.

To ascend to a more perfect state falls under counsel, and may be the matter of a vow, although sometimes it may not be expedient; and so, although a vow cannot be made absolutely not to pass to a more perfect Order, it may be made not to pass to it save in a proper manner and with counsel.

IX.—IS IT LAWFUL, IN THE NATURE OF THINGS, TO PASS BY ONE'S OWN AUTHORITY TO AN ORDER OF GREATER LAXITY, OR TO ONE OF EQUAL STRICTNESS?

To pass to an Order of greater laxity or of equal strictness, by one's own authority, or without dispensa-

tion, is unlawful. This is evident as regards an Order of greater laxity, because it is not lawful without just dispensation to commute a vow of a better thing into a vow of one less good. Again, and this militates also against passing by one's own authority to an Order of equal strictness, it is contrary to the right acquired by the Order. The condition, included in the contract which is entered into by profession, which limits that right, is only the condition of greater fruit, since it is provided solely for the greater glory of God, or for the greater good of the soul. Apart from this, freedom to leave one's own Order would be unreasonable. There would, moreover, be a gross inequality, if the Order should be absolutely obliged perpetually to retain the religious, while he might leave it for another Order of equal strictness.

To pass from one Order to another, even on the ground of greater perfection, although in itself lawful, is perilous, and is rarely or never to be counselled; in the first place, say St. Bernard and St. Thomas, by reason of scandal to those who are left; secondly, adds St. Bernard, because it is not safe to leave the certain for the doubtful; and thirdly, according to St. Thomas, to leave known goods, and begin unknown, is not wont to conduce to progress. Fourthly, St. Bernard says that such cases engender a suspicion of levity.

Again, to pass from one Order to another ought not, according to the Fathers, to be done without the assent and judgment of the prelate. The subject, however, is not bound to ask this by his vow of obedience which obliges only according to the Rule, or by his contract

and delivery of himself to the Order; and his prelate cannot invalidate a vow to ascend to a more perfect Order.

Furtive flight from the monastery, even for the purpose of passing to a more perfect Order, is not lawful, for this reason that the prelate has a right of custody both of the monastery and of the person of the religious, and to act contrary to this right, without reasonable cause, is inordinate. It is also in itself scandalous and has an appearance of evil, since the act has a semblance of apostasy, or of breaking of the enclosure, while the intention remains hidden. But if the religious is unjustly hindered from carrying out his purpose, which he believes to be holy, or has reason to fear that he will be hindered by importunities, and he is himself of such integrity of life as not to occasion scandal, or if he uses sufficient means to prevent it, his act may be excused from blame, as it was excused in the case of certain ancient Saints. A perversion of due order and an imprudent flight is, nevertheless, a great sign that the instinct or motion is not from the Holy Ghost, for those things which are of God are in order.

The question arises as to when one Order is to be judged more perfect than another, in order that a religious may lawfully pass to it; since all proper and perfect Orders, and of these alone we speak, are one in substantials, that is, in the three vows. As regards other things, one Order excels in poverty, another in austerity of habit or food, another in length of contemplation or assistance in choir, another in extent and perfection of

obedience, and another in more excellent works of charity. Again, one Order may offer greater security than another, as professing greater solitude and separation from the society of men, and therefore as affording fewer occasions of sin ; and nevertheless another Order may be more perfect as supplying more or better means for attaining to excellence of sanctity ; and both ends are aimed at in the religious state, namely, greater security and greater perfection. Again, it may happen that one Order is, so far as its Institute and Rule are concerned, more perfect and more strict than another, and nevertheless a religious may, as matter of fact, better and more easily tend towards perfection in that other Order, because it observes its Institute in its integrity, while in the apparently stricter Order there is an actual remissness of life. And finally it may happen that an Order is in itself in all things more perfect, as regards both its Institute and its actual observance, and yet is less well suited to a particular person as a means towards his growth in perfection.

In passing from one Order to another, all the conditions of either extreme are to be considered in order to form a judgment. If other things are equal, and an Order excels in austerity of life, to pass to it is without doubt lawful, so far as its perfection is concerned. But if other things are not equal, excellence is to be preferred in those things which are of a higher kind and more grateful to God. There is chiefly to be considered the excellence of the end, for in morals this is the principal circumstance, and if a thing is well instituted, as every approved Order must be, it will also have means pro-

portioned to its end. If two Orders are equal so far as the end aimed at is concerned, the one which has more or better means, or means better proportioned to its end, in virtue of its Rule, is to be reckoned the more perfect Order. Although two Orders may seem to be equal as regards austerity of life, it is not at once to be concluded that it is forbidden to pass from one to the other, for the other may excel in a farther perfection, and this is sufficient to give it preference. According to St. Thomas it is always lawful to pass to a *more perfect* Order, even if it should not appear to be so secure. Greater perfection is what is primarily intended in religious profession; and there is no Order which does not afford sufficient moral security, if a religious strives after diligent observance.

In considering the greater perfection of an Order, *actual observance* is to be looked to rather than *primary institution*; for, since passing to it from another Order becomes lawful from the intention and occasion of greater perfection, the primary institution and a strict Rule matter but little, if the practice and life are not in conformity with these. A law which is abrogated, or derogated from by custom, is a law no longer, or is not so rigorous a law as it was before; and so the perfection of an Order is to be measured by the state to which it has been reduced by custom, and not by the rigour of its Rule.

An Order may in three ways have been modified from its first institution.

First, by leave of the Supreme Pontiff, and so, as it

were, by new institution, or at least by the consent of the whole Order ; and, if so, the case is clear.

Secondly, by custom alone, but with such prescription as really to remit the obligation of the primitive Rule, so that a religious may lawfully, although less perfectly, live in such a state ; and then the case is the same as the preceding one, supposing the custom to be universal.

In a third way the Rule may happen not to be observed, simply by abuse and an evil custom, which does not excuse from sin either individuals or the Order ; and then a change is not only lawful, but also in its manner necessary, if one finds that morally he cannot live save in accordance with that custom ; for in this case he was professed not according to the Rule so violated, but according to the Rule as to be observed. He ought therefore to seek a state and mode of life in which he can morally do this, and if in the Order there are any monasteries where the Rule is observed, and in which he can persevere without risk of being compelled to return to the relaxed monastery, then he will be bound to remain there. He cannot leave the Order, having been professed according to the observance of its Rule, which it is possible for him to keep, and so retain the perfection of his state ; the condition of greater fruit by passing to another Order having in this case no place, since the greater fruit can be gathered within the limits of his own Order.

In passing from one Order to another, the comparison as to excellence of perfection must be made absolutely, and not relatively to the person of the religious con-

cerned, who might hope to make greater progress in a less strict Order than in the stricter Order in which he made profession. A religious cannot on his own authority make this change, which would require dispensation. His religious vow was made absolutely with regard to a better good, and it is possible for it to be kept, for although perhaps it may be difficult and repugnant to nature, yet nature can be overcome by Divine grace and the aids of religion. When the religious, moreover, delivered himself to the Order in his profession, no such condition was included as—Unless I find that this state is repugnant to my nature or condition, or—Unless it is arduous and difficult for me to observe it in its entirety ; otherwise his tradition or delivery of himself would not be firm and stable, and whosoever would, might easily go back on such pretext not only to a more lax Order, but even to the world and to marriage.

To pass to a less strict Order is, however, lawful by means of dispensation. This dispensation is not from the solemnity of a vow, but regards the quality of that vow. It may certainly be just, for whatever in this matter is not just is not valid. Among the just causes for it the chief is that of special hindrances in an individual case to progress in a particular Order.

X.—IS IT LAWFUL, IN VIRTUE OF COMMON LAW, TO PASS TO A MORE PERFECT ORDER ?

A religious can, by Common Law, pass to a more perfect Order, without dispensation, but not without at

least asking the leave of his prelate. To ask leave is not, however, of the substance of the act, and so the profession will be valid, if it is certain that it is made in a more perfect Order, although no leave has been asked. Even if there should have been sin in the manner of departure, it does not follow that the profession afterwards made is not in itself good, and intended by the Holy Ghost ; for God often inspires a work which is good in itself, and man in the execution of it introduces some sinful element, which nevertheless does not prevent the effect and validity of the work.

XI.—IS IT LAWFUL, IN VIRTUE OF COMMON LAW, TO PASS TO AN ORDER WHICH IS EQUALLY, OR LESS STRICT ?

A religious cannot pass to an Order of merely equal strictness, without leave, not only asked, but obtained. The Supreme Pontiff can certainly grant this leave with regard to all Orders, as he is their Supreme Prelate ; while the bishop, as he is the superior prelate of Orders which are subject to him, and the Provincial in Orders which are exempt from the jurisdiction of the bishop, can also grant this leave.

Two things are included in this leave,—a commutation of vows, and an alienation and *quasi*-amputation of a member from the religious body. Power of jurisdiction is not so necessary as is administrative power over the goods of the monastery, and *quasi*-dominative power over the persons of the religious ; since jurisdiction is not necessary for the commutation of one vow into

another which is of equal value ; and, if jurisdiction is necessary, the smallest degree of jurisdiction, such as that of a confessor will suffice. For the rest it is sufficient that the Order should cede the right which it has over the religious ; and this a prelate can do by the administrative power which he has received from the Order, and in the same way he can cede the obedience which is due to him. Anciently the Abbots possessed this power, even when they were not clerics, and had no proper ecclesiastical jurisdiction ; and they possess the same power now, if it has not been taken away by their Rule or Constitutions, although the bishops may reserve it to themselves in monasteries which are subject to them.

The Pontiff is the Supreme Prelate of every Order, and, by reason of his supreme power as such, he can exempt any religious from his obedience to inferior prelates, and reserve it to himself ; and this will be valid even if done without any cause, and solely from benevolence or favour towards the religious ; and so he can deprive the Order of all right of enjoying and using a religious, and in so doing does it no injury, since he is exercising his own right. He exercises therefore the same right when he gives a religious leave to pass to another Order ; for as he can reserve it to himself so can he also grant that by means of the prelates of another Order the religious should observe his promised obedience. Finally, although by profession a person delivers himself to the Order so that the Order acquires a dominion over him, yet this is not principally a dominion for the advantage, and especially

for the temporal advantage of the Order, but it is a dominion ordained principally for the spiritual good of the religious himself, and therefore the delivery of himself is reckoned as made principally to the Supreme Pastor.

Although the Pontiff can validly, he cannot lawfully give this leave without a legitimate cause, for he cannot reserve to himself a religious by exempting him from his obedience to his own prelates without a reasonable cause, for this would be not to edification but to destruction; and this leave entails some damage to the Order of the religious, and a favour ought not without cause to be granted to one person at the expense of another.

According to the special laws of various Orders, which are always in particular cases to be consulted, it may often be that leave for departure cannot be given without the consent of the whole monastery, when the departure is not to a monastery of greater strictness.

A bishop who has many monasteries of nuns of different professions or Rules, but of equal perfection, subject to him, cannot grant leave to a nun to pass from one monastery to another without special cause, and only to please the individual, although he is superior of both monasteries; for this is an act of supreme power. Such a change is in itself contrary to Common Law, and a dispensation from that Law by an inferior without legitimate cause is null and void; and therefore whatever is done in virtue of such dispensation is invalid. A monastery subject to the bishop would otherwise be in worse condition than one which is subject to a regular prelate. There is moreover no reason why a power should be supposed to be granted to the bishop,

which is not necessary in order to the ordinary regulation of a monastery, and which is nowhere found to be granted, or established by received custom. It does not suffice that the bishop does not deprive himself or his see of the subjection of the religious, since his power is not given to him for his own sake, but for that of the monastery; and therefore it does not extend to an act which is of itself pernicious to the monastery, and which is done without legitimate cause.

To pass to an Order which is less strict, is not lawful without legitimate dispensation. It is in itself contrary to the vow of the religious, and to the covenant entered into by him with the Order.

It is lawful by legitimate dispensation; and the dispensation, by whomsoever it is given, requires a reasonable cause in order that it may be lawfully given.

A just cause may have regard either to the advantage of the religious only, or to that of the Order from which he is transferred, or to that of the Order to which he passes. If there is a concurrence of advantage to all three there will be a most complete cause; as when, for instance, the religious will be useful to the Order to which he passes, while he is rather burdensome to that which he leaves, because perchance he is of no use for its special ministries, but is fit to sing in choir, of which the other Order makes greater profession, and when there is hope that for the religious himself it will be more advantageous to be occupied in that kind of life, although it is in itself less austere or perfect.

When there is not a concurrence of advantage to all

of the three parties concerned, there is first, as a rule, to be considered the spiritual welfare of the religious himself; and whatever reason there is for prudent hope that this will be increased, will suffice as a just cause for dispensation, since it is the spiritual advantage of the individual which is primarily and proximately aimed at by the religious life. This advantage must be by way of relief of personal infirmity or weakness, either in body or soul. The departure is sometimes expedient when experience has shewn that not from pure malice or depraved habit, but from as it were innate condition an individual has an inaptitude for his particular state, or exceeding difficulty in bearing its burdens, which before profession he had not sufficiently realized. It adds also greatly to the case if he made his profession while yet of tender age, since one's nature frequently changes not a little in after life, and certainly comes to be at least better known. If however a dispensation of the prelate with regard to certain burdens of religion will suffice, he will not easily proceed to dispense for departure. When greater spiritual good to the religious himself may be hoped for, it is not hindered by its being accompanied by some burden or inconvenience to the monastery which he leaves. This has not to be considered as regards the monastery to which he passes, since it admits him voluntarily, and it is for it to judge with regard to the advantage or burdens which he may bring with him. On this ground therefore the dispensation cannot be unjust.

The Supreme Pontiff alone, of the plenitude of his power, could compel an Order to receive such a person;

and ordinarily he does not do so, nor would it be expedient without very grave cause.

As regards the Order from which he departs, its inconvenience is not considered, because at most it can lose only in something temporal or external, and an Order is bound to procure the spiritual good of its subject rather than any advantage of that kind. Moreover, it can scarcely be an advantage to the Order to have within it a religious who cannot live in accordance with his state and its perfection.

If passing to another Order is not for the greater spiritual advantage of the religious himself, but is for the advantage of the Order which he leaves, there can scarcely be a reasonable cause for leave, except through a concurrence of many circumstances. In such a case he must at least by so passing not be exposed to moral peril of spiritual detriment, since this would be contrary to his profession and the obligation thereof, and to the order of charity. If the advantage is only to the other monastery to which the religious passes, the consent of his own monastery which he leaves is necessary, for no one should be enriched from the goods of another against that other's will; and this holds good as to passing to an Order of equal strictness as well as to passing to one of less strictness.

In such cases, when the cause is not on the part of the religious, but on the part of the other Order, the Pontiff alone can give dispensation, especially if the departure is to a less strict Order, and the cause is very extrinsic to the obligation of the vow; for it belongs to a prelate who has a superior providence over, and government of both Orders.

XII.—LOOKING TO THE PARTICULAR LAWS OR INDULTS
OF VARIOUS RELIGIOUS ORDERS, IS IT LAWFUL TO
PASS FROM ONE ORDER TO ANOTHER ?

With regard to every religious Order we have to take into consideration, besides the Common Law, its own special Privileges and Indults. In favour of many Orders, Indults have emanated from the Apostolic See, by which it is forbidden to pass to another Order, either absolutely, or with certain limitations.

For instance, a Privilege has been granted to the Society that no one professed therein, or admitted thereto by the three substantial vows, can pass to another Order, except that of the Carthusians, under pain of excommunication *ipso facto* to be incurred both by those who so pass, and by those who receive them, on pretext of any Indult granted or to be granted, even under colour of the fruit of better life or more strict observance. This is contained in the Apostolic Letters of the Society, in the last Bull of Paul III. and in the first Bull of Pius V. wherein he confirms the concession of Pius IV. Pius V. also *viva voce* so limited the exception of the Carthusians that departure to that Order could only be made once ; and that, if in it the religious did not persevere up to profession, he should return to the Society and not again pass to the Carthusians, without the consent of the Society. This limitation Gregory XIII. by a special Bull confirmed and declared to oblige under the same censure.

It is most certain that the Pontiff has power to grant such Privileges so that it should be absolutely not law-

ful to pass to another Order, without obtaining leave, even on the ground of greater perfection. It would be impious to say that such Indults are inequitable, or granted without sufficient power, for in a matter so grave and pertaining as it does to the salvation and perfection of souls, the Pontiff cannot err; especially since not one or two Pontiffs, but many and those most holy and most learned Pontiffs, have not once and again but very often, of their certain and plenary power, and not merely with some probability accompanied with hesitation, granted similar Indults to many Orders.

When the Pontiff grants such an Indult to any Order, it may be said that this supposes that Order not to be inferior to any others which he does not except, that is to say, inferior as a means towards perfection. But, even if it were manifest that another Order is more perfect, the Pontiff could justly prohibit a religious from passing to it, without obtaining leave from his own Order. By insisting on such leave his ascent to a more perfect state is not absolutely hindered, but is only forbidden without mature counsel and apart from the ruling of the prelate's will. However much more perfect another Order may be, a change to it might not be befitting in an individual case, and therefore judgment with regard to this may be becomingly reserved to the prelate; and this all the more since recourse can always be had to the Pontiff, if the prelate's resistance should be considered unjust. If the Pontiff also refuses leave, the religious would be rash who should resist, and who should not rather feel that the change was not expedient for him, even if the other Order should certainly be in itself more

perfect. The difficulty, moreover, which is in this way presented to passing to another Order, may be very conducive to the common good, to the stability of individual religious, and to the peace and union of the various Orders one with another. Even when passing to a more perfect Order is prevented, no one is absolutely hindered from the possibility of becoming always more and more perfect, since in every Order there are sufficient means for such progress, if a man will do what lies in him, and will voluntarily add that which in his state is not imposed by way of obligation.

It is true that in voluntary matters no one can oblige another to that which he has not promised, and that no one who makes religious profession in an Order promises perseverance in that Order, in the event of greater fruit to be obtained by leaving it for a more perfect Order; and therefore that unconditional perseverance does not fall under a vow of religious obedience. But the Pontiff, when he grants a Privilege to an Order, whereby he prohibits its members from passing to another Order without obtaining leave, does not so much absolutely prohibit this as prescribe the manner of it, namely, that it should not be done without leave; and therefore he can also annul whatever is done without this condition or solemnity. This precept does not exceed the jurisdiction of the Pontiff; and in his jurisdiction more than in the subject's vow of obedience the precept is founded, although it presupposes that vow as a necessary condition.

By such a Privilege the prelate of an Order is not set

free from his obligation to give leave, when his judgment is that the other Order is absolutely more perfect. In forming his judgment he ought to be guided, not by his own feeling and affection, for he might thus easily err and injure the religious, but by received opinions and common doctrine, or by the counsel of the wise. He must have come to the conclusion that to pass to a more perfect Order is expedient in this particular case of his subject, or more for his benefit; and he ought to take this view whenever there are no reasons to persuade him to the contrary, besides the mere fact of the change; for the disadvantage of that is counterbalanced by the greater perfection of the Order to which his subject passes, when nothing else stands in the way. When there is a concurrence of all these circumstances or conditions, a prelate does an injury to his subject by refusing him leave, and compelling him to have recourse to the Supreme Pontiff; for the Pontiff himself could not under such circumstances lawfully refuse leave, and hinder the way to greater perfection. The case is always excepted of a necessity for the common good; and, if the prelate of an Order were to refuse leave because he really believed it to be very hurtful to his own Order, and if he were for this reason to remit his subject to the Supreme Pontiff, he would not commit sin; nay, his so doing would be one of the chief effects of such a Privilege.

In this sense also a religious may rightly bind himself in his profession, and renounce his freedom to pass to a more perfect Order without fulfilling the condition of the consent of his prelate or of the Pontiff. Such Privileges are ordained not to hinder the freedom and efficacy of a

vocation which is truly from the Holy Ghost, but to prove it in order to its constancy; and there is thus no contradiction between such a Privilege and that private law which the Holy Ghost imposes by His inspiration.

There is a twofold difference between the effects of the Common Law and of such Privileges. According to the former, a prelate might prudently refuse leave, not by reason of any doubt as to the greater perfection of the other Order, but by reason of the circumstances of the individual, either because he does not think him suited or such an Institute, or because he thinks that he is moved not by the good Spirit but by some disturbance or the like; and nevertheless the subject might then pass to the other Order, having asked leave, although he has not obtained it, since, if it is manifest that the Order to which he goes is more perfect, this satisfies the law which requires the judgment of the superior then only when there is doubt as to the greater strictness of the other Order. But when an Order possesses a Privilege, then, in a similar case, for a religious to pass to another Order will, in virtue of that privilege, be unlawful, if his departure is against the will of the superior.

Again, so far as the Common Law is concerned, a superior unduly refusing leave cannot oblige his subject not to go, and the subject may go on his own authority, and against the will of his prelate; whereas, given such a Privilege, even supposing that the prelate unduly refuses leave, the subject cannot pass on his own authority, but requires the Pontifical authority, and his prelate does not lose his power of obliging and retaining him, until he is deprived of it by the Pontiff.

All who pass from their own Orders to any other, on whatever ground of greater perfection, in cases prohibited by Pontifical Indults, and without the leave required by such Indults, are truly apostates. From this that the second profession is not valid, the religious will be living outside the state and obedience of his own Order, with a mind so to continue without due leave, which constitutes the crime of apostasy.

XIII.—CAN A RELIGIOUS, LAWFULLY PASSING TO ANOTHER ORDER, CARRY WITH HIM ANY “PECULIUM?”

This question arises only when the transit to another Order is effected lawfully, that is, with due leave or by just dispensation, for otherwise it is null and void; and if the religious cannot validly transfer himself, still less can he carry his goods with him. Even if he afterwards remains in the other monastery by the permission of his former monastery, and having obtained a dispensation, his former Order will not be bound to deliver to the other monastery any of the goods which it had received on account of him, because he was transferred against its will and the other monastery voluntarily received him with his burdens, or without such goods; and therefore even if afterwards the first Order should consent to his departure, it will be understood to do so without prejudice to itself, and to consent to the reception of his person alone, as that has been already accomplished.

Even if the transference of the religious is valid and legitimate, he cannot carry with him any of the goods

which he had acquired in his former Order by any title whatsoever, whether by donation or by his own industry, or in any similar manner. A benefit conferred by law is understood to be without prejudice to third parties, and therefore when a law grants such transference to a religious, it is understood to be without prejudice to his former Order so far as all things else are concerned. This reason supposes also another fundamental reason, namely, that a religious acquires nothing for himself, but all for his Order or monastery; and so, if he should afterwards leave it, he cannot deprive it of the dominion of such things by his own authority, nor can the other monastery accept them against the will of their owner, for in either case there would be an offence against justice.

With regard to clothing, the religious can take with him what is necessary for actual use and decent departure from the monastery; both because he ought not to go naked or to change the habit of his Order until he puts on that of another, and because, since he is still a religious of the first Order, he can lawfully have the use, which is necessary in the present, of at least what he needs to cover him. For the same reason he can for the present be supported from the goods of the Order, and he is not to be compelled to beg, unless the Order itself professes mendicancy. But he cannot carry with him a change of garments, or ornaments, save with the consent of the prelate whom he leaves, since the use of these regards not the present but the future. The second Order is in strictness bound to return to the first Order the garments of the religious after he has

been professed, as it would have been bound if he were naturally dead, or if they had been borrowed from a third person ; for every religious has even his garments on loan only from his Order. This is however tempered by the urbanity and interpretative consent of all Orders, which is sufficiently declared by custom, and it would not be becoming to display in a matter so very small either bitterness of spirit towards the religious, or over-affection for temporal goods.

As regards books, they are of their nature reckoned amongst precious movables, or as at least of much esteem, and the use of them is not absolutely necessary but voluntary, and can be supplied in the future by means of other copies. There is therefore no reason which demands that the Order which is left should be compelled to grant a peculium of books, or even the use of them for a future time, or during the life of the religious in another Order. Neither is there any ground for presuming such consent, where it has not been sufficiently expressed, or where the matter is not so small as practically to be regarded as nothing. Nor does it affect the question that, according to the custom of the Order, the books were granted as a stable peculium, or for life. Such a grant can never be so made that it should not always remain dependent on the will of the prelate, who can at his discretion recall his leave, and apply the books for the use of other religious.

With regard to manuscripts the case is not so clear. Some maintain that, as they are temporal goods, and sometimes of no small value, the ownership of which is acquired to the monastery, they cannot be carried

away by the religious. But this is doubtful, since they are as it were a part of his knowledge and learning, as an aid to his memory on which his knowledge mostly depends; and as he can carry this with him, so it seems unjust to deprive him of them, and the dominion of an Order does not appear to be so absolute that it might retain them with so great a loss to him.

Instruments or tools for a trade or art are of the number of those goods which cannot be carried away, since they are valuable at a price, and can also easily be bought, and on them the art itself does not depend, but only the practice of the art. Since that is transferred to the advantage of the other Order, it will belong to it to supply the instruments or tools. Sometimes among religious there are found rare artificers who have such tools as cannot be procured, or at least not without great labour and difficulty, and to be deprived of these would be a very grievous inconvenience. In such a case a prelate should shew himself easy, at least as to lending such tools, either for the lifetime of the religious, or until others like them can be found, or certainly he should be open to selling them.

XIV.—DOES REAL PROPERTY, OR DO PRECIOUS MOVABLES,
WHICH BY OCCASION OF A RELIGIOUS BELONGED TO
HIS FIRST ORDER, PASS WITH HIM TO ANOTHER?

There are two ways in which it is possible for a religious to bestow upon his monastery the goods which he previously possessed; in the first place, by necessary consequence, and in virtue of Common Law, through his

choosing to make profession in that Order or monastery ; secondly, by voluntary liberality and donation, as distinct from his delivery of his person, since before his profession he had it in his power to give those goods to others, and he chose rather to give them to the monastery.

When goods have passed to the monastery in the first way, in no case can it be deprived of them, at least as regards the proprietorship of them, by the departure of the religious; since it acquired by an as it were hereditary right the absolute dominion of them, without dependence on the actual existence or perseverance of the religious in that Order or monastery.

The same is true of whatsoever goods come to the monastery, after the profession of the religious, by necessary succession. It is true not only of the proprietorship of such goods, but also of the usufruct or use of them.

With regard to other goods which the religious, of his own mere and free choice, and apart from any disposition of law, gave to the Order in his profession or before it (for after profession such donation has no place, since he cannot retain anything for himself so as afterwards to give it as he pleases, and cannot acquire anything which does not at once pass to the Order), when the donation was in the beginning made absolutely, without any condition or limitation, the monastery obtained absolute dominion or ownership of such goods, and therefore whatever may afterwards happen, it cannot be justly deprived of them.

Even if the Order should for a just cause expel a religious, it will not be bound to give up such goods.

Whatever amount of goods a religious has given to his monastery, he has, after profession, no greater claim to the usufruct of them than he would have had if he had not bestowed anything, or than any other professed religious of the same monastery has ; and the monastery is not bound by a greater obligation of justice to support him, than that whereby it is bound to support those who have not contributed anything to it. This doctrine is to be found *passim* in the holy Fathers, St. Basil, St. Augustine, St. Benedict and others who have written of monastic Institutes ; and it is evident because every religious is equally a pauper, both he who was rich and he who had nothing ; and also because the Order is not bound to support the religious by reason of the temporal goods which it has received from him, but by reason of his religious profession ; those goods being reckoned as an alms of free gift, just as if they had been distributed amongst other poor persons. An Order is not bound to prepare the way, so to speak, in the matter of temporal goods for its subject leaving it to pass to a more perfect Order ; it suffices that it should not resist or hinder him, and it cannot be said to hinder him by not returning such goods. The lack of temporal goods is not in itself a hindrance, nay, it is a most excellent disposition towards entrance especially into a more strict Order, which in this matter ought to observe a greater purity by admitting its religious without temporal aid or the expectation thereof. If it will not or cannot do this, the obstacle is an accidental one, which the other Order is not bound to remove by the bestowal of its goods.

Nuns are, ordinarily, not received without dowries, and yet when by leave of the Apostolic See they are transferred from one monastery to another, their dowries remain with the monasteries which they leave; and this whether they pass to a stricter Order or not, or to a monastery of the same or of another Order. In their case most of all would departure be hindered by the dowry not being returned, because in the other Order no one is received as a rule without a dowry, and it is not easy to find another dowry, and yet this hindrance is not imputed to the monastery which the nun has left, because it is not bound to dower its subject in order that she may be received in another monastery.

If in the beginning a condition was expressly annexed to a free donation of such goods as a novice might either give or not give to the monastery as he pleased, that, for whatever reason the religious might change his state, the Order should be bound either to return such goods, or at least to provide a competent dowry for the other monastery, or to supply aliment, it would be bound in conscience to do so, even if the religious retained no right nor any claim against it. In this case, if the religious should pass to another Order, that Order would acquire a right to such goods; this in no way derogating from the personal poverty of the religious himself, and not being otherwise contrary to justice. A condition, understood in this sense that the religious has no right to the goods, is not intrinsically evil, or contrary to his vow of poverty, and consequently to the substance of his religious profession; but it cannot be

denied that it is at the same time evil-sounding, as indicating a mind which is not sufficiently constant in the state which has been embraced. Circumstances might, however, although rarely, occur which should demand such a condition in accordance with prudent counsel; as, for instance, if a woman, when taking the religious habit in a monastery, should dread a probable necessity of afterwards passing to another monastery, either of the same or of another Order, for a weighty cause and with lawful leave. If she should in such circumstances make to her first monastery a large donation of goods, there would be no inconstancy, or any sign of it, in her annexing a condition that if the case should occur, or she should be compelled by necessity to depart, the monastery should be bound to give to her second monastery a competent dowry, or the usufruct of her dowry, or sufficient aliment for her, or the like. In such a case the monastery would be clearly bound to fulfil the condition as contained in the contract, because it is just, and is not contrary either to poverty or to any canon law; for there would be no alienation of ecclesiastical goods, since those goods were never bestowed on the monastery absolutely, but only under condition.

If a religious, by dispensation of the Pontiff however just, returns to the world free from any bond of his profession and vows, he cannot carry with him the goods which he had absolutely bestowed upon his Order, without the consent of the Order, unless the Pontiff has specially granted this in his dispensation. Simply because a person consecrated to God happens to return

to the world, it does not follow that the goods consecrated to God should therefore be profaned or alienated or that they should also, so to speak, return to the world; and in a dispensation for the person there is not contained a dispensation for the alienation of goods, unless this is specially granted; and the cause which suffices for the first will not always be sufficient for both.

Neither profession nor the incapacity of the religious for ownership is the foundation of the continuance of the monastery's ownership of goods which have once been absolutely given to it by the religious. They form merely the occasion or motive by reason of which such a donation was made, in the same way as if it had been made in an equally absolute manner to the poor, or to his relations by the religious.

A special question arises with regard to this matter in the case of those religious of the Society who have not made profession, but who have been incorporated into the Society by means of simple vows, and who have bestowed upon it somewhat of their goods. It is peculiar to the Society that it does not necessarily succeed to the goods of its religious according to common law; but the religious may and ought, according to the Constitutions, to dispose of them. They may if they please bestow them, or part of them, on the Society, as they may bestow them on other poor persons. The oblation of themselves and the obligation of such religious to the Society is perpetual, whereas on the part of the Society there is contracted no absolute obligation of perpetually retaining them, but only an obligation to retain

them on condition that they do not deserve expulsion. Now, as to whether a donation made by such religious to the Society should have attached to it a similar condition, namely,—*supposing that they are not expelled*, cannot be determined by Common Law, but depends on the character of the contract or donation, which is a matter of fact rather than of law. Looking to what is possible, it is certain that such religious might absolutely make such a donation without any condition dependent on the future, because they make it voluntarily and are absolute owners, and they can in the same way alienate and bestow upon others, and there is no reason why the Society should be in worse condition or more incapable than others of benefitting by such a donation. It is also certain that, if a donation is made in such a manner, an Order is not bound in rigour of justice to return the goods to the religious, if he is afterwards justly dismissed, any more than a third person would be bound in the same event. The renunciation, even if made in favour of the Order, is made in this absolute and immutable sense, or in a sense independent of any change which may afterwards occur in the state of the donor. Any other mode of donation would be very pernicious to the Order, and that not so much from a temporal as from a spiritual point of view, since such religious would not thereby perfectly renounce their temporal goods, but would always have the prospect of recovering them in the event of their returning to the world; which is either contradictory or very derogatory to religious poverty. It would also give occasion to licentious living, either in anticipation that they would not be dismissed by the

Order lest it should be compelled to refund their money, or certainly because they would have less dread of being dismissed, knowing that they possessed the means of subsistence. The freedom of the Order to dismiss an ill-conditioned subject would also be lessened, by its being compelled to return goods which it had perhaps already spent on the support of the other religious : and this would be greatly to the prejudice of the common good.

But although the Order is not of justice bound to return the goods, yet of a certain equity, and in order to remove all occasion of offence, it can lawfully return all or some part of them, or the value of them, to their former owner, since this is not reckoned to be an absolute alienation of the goods of the Order, but a just expenditure which is necessary in order to preserve the freedom of the Society to dismiss unsuitable persons. In practice, and by a custom which is in accordance with the Institute, such goods seem from the first to have been accepted by the Order with power and freedom to get rid of them along with the person of the religious, if this should be expedient for the end of the Society and for the common edification. In so doing, however, care must be taken that the Society is not overburdened ; and it has to be considered that for many years it has supported the religious, and that from it he has received his education. Care must also be taken lest facility in this matter should engender in subjects a certain hope of recovering their goods under similar circumstances, and so give occasion to licentious living, and also lest the return of goods should become so

frequent, or should be done in such a way, as to lead to a custom which might in course of time acquire the force of obligation.

XV.—DO THE PREROGATIVES WHICH A RELIGIOUS ENJOYS IN HIS ORDER PASS WITH HIM TO ANOTHER ORDER ?

By *prerogatives* we here mean every active faculty, as for instance, to elect, vote and the like ; or passive capacity, such as, to be elected to any office, ministry or benefice ; also the right of a particular seat, and immunities or exemptions from certain burdens or labours.

Any prerogative which is founded in the first profession of the religious, and in the Rule of his first Order, does not pass with the person of the religious, but is lost by his transference being completed ; such as, for instance, seniority in religion, which is founded on profession made in a particular Order, and so long as the religious remains in that Order, is reckoned from the date of his profession. Such profession does not avail for another Order, since by such profession he is not made a member of that Order, or bound to its obedience. A transferred religious therefore loses not only his seniority, but his seat and every other privilege which is due to him by reason of seniority.

After a religious who has been transferred to another Order has been professed therein, he has in consequence of such profession every prerogative, faculty or capacity which other religious of the same Order have in virtue of their profession and Rule ; unless he should in any case be specially debarred by law.

XVI.—TO WHAT IS A RELIGIOUS WHO BECOMES A BISHOP
BOUND AS REGARDS HIS VOWS OF CHASTITY AND
POVERTY ?

A religious, when he becomes a bishop, does not thereby lose his substantial state as a religious. The religious state, as compared with the Episcopate, is as a disposition in comparison with a perfection ; or, as is the state of a disciple in comparison with that of a master. A disposition is not taken away by the perfection being attained, so far as the one does not contradict the other ; but it is on the contrary in still greater accordance with the perfection, continues with it, and is confirmed by it.

The vow of chastity is annexed to the Episcopal state in itself, and apart from the regular state. In a priest who is also a regular the vow of chastity is twofold ; and by Episcopal consecration it is not taken away but rather in a manner consecrated. Hence its obligation is somewhat added to, for a religious who has been made a bishop will sin more grievously by a violation of chastity, than a simple religious, nay, even than one who is both a priest and a religious, and this by reason of the greater consecration and obligation of the vow. It is not however necessary to explain this circumstance in confession, unless scandal or some other special circumstance should attach to it, since by itself it does not add a new species of malice or gravely alter the judgment of the confessor.

There is no contradiction between a vow of poverty

and the Episcopal state. That vow therefore remains in a religious who has been made a bishop, so far as regards the bond and substantial effect of the vow ; although in the practice of poverty greater license is given to a religious who is a bishop. Riches, especially as regards the ownership of them, are not in themselves necessary for the Episcopal ministry ; and the use and dispensation of them which is morally necessary in the state of a bishop is not subversive of poverty, when it is not the use of a thing as if it were one's own. Poverty lends adornment to the Episcopal state, as it did in the Apostles who were bishops and who had made a vow of poverty. Not only is a bishop who is a regular capable of a vow of poverty, but a secular bishop can make a simple vow ; for although he cannot without dispensation renounce his Episcopate in order to become a religious, yet he can, remaining in his own state, vow poverty, since this is not contrary to any law, and is a means towards greater perfection.

A solemn vow of poverty is absolutely perpetual, for this is the intention of the founder when instituting his Order, of the Church when approving it, and consequently of the religious when making his vow, since he promises in the sense of his Institute.

A regular who is made a bishop is not placed entirely outside his Rule, and so, although his vow of poverty was made *according to the Rule*, it is possible for it to bind in the Episcopal state. Moreover, although poverty is promised according to the Rule, it is afterwards of obligation chiefly from the vow, and not from the Rule. The Rule is only a condition or measure which determines

certain limits in the matter of the vow, while the promise concerns the matter itself, so that even if a bishop should be no longer bound by the Rule, he might nevertheless be bound by the vow.

But, being bound by the Rule also, a vow of poverty in the Episcopal state obliges one regular bishop more than it does another, or obliges him in another manner, according to the character of the Rule in accordance with which he professed poverty. A religious of St. Francis, for instance, if he is made a bishop, will be bound to a more strict observance of poverty than would a religious of another Order.

Besides the, so to speak, natural effect of the vow of poverty in the person of a regular bishop, which is to oblige him not to possess or use anything as if it were his own, there is also the *quasi*-legal effect which in a solemn vow is to render a person perpetually incapable of the dominion and proprietorship of temporal goods.

The *religious state*, on the other hand, does not remain along with the Episcopal state, so far as those things are concerned which are at variance with the Episcopate; such as a *practice of poverty* as much restricted and limited as it would be in the case of a simple religious. A bishop may lawfully have a more ample use of goods, or a use of them in a manner which differs from that which was previously lawful to him.

It is lawful for a regular bishop to have the use of all goods which belong to his bishopric. He can also have the use of, and in the manner proper to him possess secular goods, by whatsoever lawful title they come to

him, whether by donation or purchase or even by hereditary succession. By dispensation of the Pontiff he can enjoy other ecclesiastical revenues besides those of his bishopric.

With regard to the use of goods, three things have to be considered,—acquiring, retaining, and expending (see vol. i. page 336). As regards *acquiring*, this of necessity remains in a regular who is a bishop that he cannot acquire anything as if he were the true owner and proprietor of it; but, apart from this and as regards actual acceptance and retention, he can acquire in all ways in which a secular bishop can acquire, such as, by donation, lawful contract, testament, and even by necessary and legitimate succession.

The dominion and proprietorship of such goods he acquires *not to his monastery*, and in this he differs from a simple religious, but *to his church*; for when he is made a bishop he ceases to be a member of his monastery, and begins to be the spouse of his Church. Further, as he is supported by his church, so all his work and industry he owes to his church, and therefore it is rightly ordained that his church should gain whatever may come to him in any way.

A right of succession to a paternal inheritance in case of the father's intestacy is transferred with the religious to the church of which he becomes the bishop; but if his father had died before his elevation to the Episcopate, the inheritance would have already passed to the monastery, which would have acquired in it an absolute and real right, independent of the personal state of the religious.

The same rule holds good in the case of every lawful translation to another state. If the first monastery of a religious was capable of inheritance, but as matter of fact did not succeed, because of the father being alive at the date of his departure, the second monastery in which he is lawfully professed will, if it is also capable of inheritance, succeed on the death of his father, for the first monastery had only an expectation and never had any firm right. Even if the second monastery is incapable of inheritance, the first has lost its right or hope of succession, which the second does not acquire, and which passes to the next heir of the testator, or of the intestate father of the religious.

As regards retention or possession of goods acquired, there is a great difference between a religious who has been made a bishop and a simple religious, for whatever the former in any way acquires, he justly and lawfully possesses or retains by him.

Finally, as regards use or dispensation of goods, a religious who has been made a bishop has more ample power than the religious state demands, or even permits, since many more things are necessary in the Episcopal state. His power, however, is not so ample as that of a secular bishop, who is owner of the fruits of his bishopric, while the other is only the administrator of them. A secular bishop, for instance, after he has sufficiently provided for the necessities of the poor, and for other pious works of his bishopric, if he has still some superfluity remaining from his revenues, would not sin by bestowing something on his relations, or on others, of

mere liberality, nor would this be contrary to the Council of Trent, since it can be done without dissipation of ecclesiastical goods; but this could not be done by a regular bishop save with great moderation. Moreover, and if both should sin in this way by reason of excess, the secular bishop would sin not against justice, but against religion, by his abuse of goods which are in a manner sacred, or against mercy by his overlooking the poor for the sake of his kindred, or against obedience to the ecclesiastical canons, and especially to that of the Council of Trent; while, on the other hand, the regular bishop would, besides so sinning, sin also against justice, since he would be giving that of which he is not the owner, and beyond the power which he possesses to dispense. The injustice is to his church, with which the dominion or ownership of such goods remains, by reason of his incapacity to possess. It is lawful also for a secular bishop to have richer surroundings and a larger retinue than a regular bishop may have; for although both may and ought to uphold the Episcopal dignity with all honour and with whatever is becoming, yet a secular bishop, even if in this matter he should exceed somewhat, will not sin, or will not at least sin grievously, while a regular bishop may easily fall into grievous sin, because he ought to observe his vow of poverty in all things which are not at variance with the Episcopal dignity.

Neither bishop can bequeath goods acquired by reason of his church; but a secular bishop can freely spend and

bequeath his own patrimonial goods, while this a regular bishop cannot do.

With regard to dependence on the will of another in the use of goods, in which dependence the use of them as not one's own chiefly consists, a regular bishop can, in virtue of law and of the title of his Episcopate, freely dispense goods to every use which is not otherwise prohibited to him; and in this he is equal to a secular bishop, because the title of the Episcopate is of the same character in both. Many things are however forbidden in this matter to a regular bishop, which are not forbidden to a secular bishop, and this not only by special positive law, but by the natural prohibition which follows from his vow of poverty and his religious state.

This independence from the discretion, will and leave of another, with regard to lawful expenditure is not at variance with the vow of poverty, for it is in a manner intrinsic to the Episcopal state; and therefore the superior who allowed that state thereby gave power to use its goods so far as its condition should demand. Hence, although we may call it independence, it nevertheless includes the leave of a prelate, given in accordance with law, and this is sufficient to preserve the substance of poverty. Moreover, the Supreme Pontiff, as he is also Supreme Prelate of all regulars, can limit a regular bishop's mode of disposing of goods, since the latter is specially subject to him in virtue of his vow of obedience; and as the prelate of an Order cannot so grant a peculium to a religious and power to dispose of it, that he cannot

always recall it, or prescribe the manner in which it is to be used, so a regular bishop cannot in this matter be entirely independent of the Pontiff. In this way also he preserves the substance of his vow of poverty.

XVII.—TO WHAT IS A RELIGIOUS WHO BECOMES A BISHOP BOUND, IN VIRTUE OF HIS VOW OF OBEDIENCE, AS REGARDS THE PRELATE OF HIS ORDER, OR AS REGARDS HIS RULE?

Although a regular bishop retains his substantial vow of obedience, yet by reason of that vow he is not bound to obey the prelate of his Order, but is bound only to obey the Supreme Pontiff. The vow of obedience, even when made in an Order, does not essentially demand *actual* subjection to a prelate of that Order; for the General of an Order, even if perpetual, retains his vow of obedience, and yet he is not subject to any prelate of that Order. The Supreme Pontiff is Supreme Prelate of every religious Order, and the substance of the vow of obedience is thus sufficiently preserved in the case of every prelate of an Order, whatever may be his degree or condition. The vows remain in a regular bishop in so far as they are not at variance with his state as a bishop, but it would be to the prejudice of his church if he, who ought to have care of it, and to consecrate all his actions to its advantage, were to be subject in obedience to his own Order.

Even when a religious who has been consecrated bishop has no proper church, he will nevertheless be

free from obedience to all the prelates of his Order, since subjection to inferior prelates does not befit the dignity of Episcopal consecration. Although this is not in itself sufficient to take away the obligation of the obedience which he has promised, it is nevertheless a reason why it should be taken away by ordinance of the Church. Moreover, no one is consecrated bishop save to the title of some church which he has therefore the right to rule, and that he does not actually possess it is accidental. Hence a religious, in virtue even of such consecration, ceases to be an actual member of his Order, because he becomes, in virtue of his dignity, the head of a church, and is therefore set free from the yoke of obedience to his Order.

Such a bishop is bound *by the special bond of religion* to obey the Supreme Pontiff, since the Pontiff is a true prelate of his Order, and always remains his superior. To obey the Pontiff as Supreme Prelate of his Order is not at variance with, but is in the highest way in accordance with his religious state. As, however, the vow of religious obedience is not without its limits, but is *according to the Rule*, so a regular bishop is not bound, in virtue of his vow, to obey the Supreme Pontiff in all things, but in those only which directly or indirectly belong to his Rule; since his vow is not changed in itself, but only in its practice as regards this or that prelate.

A regular who is a titular bishop, if he is living within the diocese of another bishop, is not bound in virtue of his vow of obedience to obey him. If he was formerly in an exempt Order, he does not lose his

exemption by consecration, and, if formerly not exempt, he is in virtue of his consecration exempted from the yoke of the bishop. Even if the bishop of the place is one of the prelates of his own Order he is exempt from religious obedience even to him. Such titular bishops are, by ordinary law, immediately subject to the Supreme Pontiff, as regards ecclesiastical jurisdiction; and although in virtue of law they acquire to the church the title of which they bear, yet since the goods acquired cannot actually be applied to that church, they are to be dispensed to pious works, and the dispensation of them is committed to the titular bishop himself, with dependence on the Roman Pontiff.

With regard to observance of the Rule or Constitutions of his Order, a regular bishop is not directly bound, except with regard to those things which are the matter of a vow, or of any written ecclesiastical law. Neither is he bound to observe the customs proper to his Order, since they form an unwritten law which is to be observed by the religious only so long as they live within the Order. The obligation of a vow is personal, and follows the person, wherever he goes; while the obligation of a law primarily attaches to the community, and ceases on separation from the community.

A regular bishop is bound to the observance of, besides the three substantial vows of religion, any special vows which are made in his Order, if they are such as are not incompatible with the Episcopal state. Thus a Minim will be bound to the observance of abstinence from meat, since this exists in virtue not merely of Rule, but of

proper and special vow; but the obligation will cease when from special personal circumstances such abstinence becomes an impediment to pontifical functions. Similarly, in the Society, if a Professed Father is made a bishop, he will be bound to observe the special vow which belongs to his state, and also the other simple vows which he has made. With regard to his solemn vow of obedience to the Pontiff concerning missions, if he is only consecrated and a titular bishop, he can in virtue of his vow be obliged to proceed to any mission, equally with the other religious. Even if he has a bishopric, he can also in virtue of this vow be obliged to abandon it in order that he may be sent, for instance to India, or be there transferred to another bishopric. Since this impediment is subject to the disposition of the same Pontiff to whom the vow is made, it cannot be reckoned an impediment to obeying him, since he can himself take it away. It is only necessary for such a bishop to assure himself with regard to the whole matter and then to obey.

A regular bishop is bound to wear the habit of his Order, and this as an obligation not only of Rule, but of Common Law.

Although a bishop ought to occupy himself in works of perfection, as befits his state, yet he is not determinately obliged to those works which are prescribed by the Rule of his Order. The Episcopal state itself brings with it its own acts of perfection which of intrinsic obligation it demands, such as to teach and enlighten others, spiritually to rule them, and to relieve, as far as may be, their miseries, along with other acts which, as

necessary means in order to these, fall under the same obligation, such as, for instance, to pray, to study, to watch and the like. If a regular bishop fulfils his office as regards all these acts he will sufficiently satisfy the obligation of what is becoming in the way of works of perfection in accordance with his state. If he perfectly observes poverty, chastity and obedience, and all things necessarily connected with or becoming these, he will satisfy the claims of religious propriety, even if he should not practise other particular observances ; for it is not fitting to a superior state that it should be burdened both with its own obligations and with others which belong to an inferior state.

A bishop is, strictly speaking, no longer a member of his religious community, and so he is not bound, on the ground of conformity with it, to its observances ; but it does not follow that he does not remain a religious of that Order rather than of another Order, since in substantials and habit he always remains a religious of the same species ; and, especially as regards the bond of obedience, continues always so habitually bound that, if he should be deprived by the Pontiff of his Episcopal office and exemption, he will remain subject to his own Order, and not to another. This suffices to his retaining a religious state of the same character, although he is not actually subject either to the prelates or to the laws of his particular Order.

Such a bishop does not need dispensation, properly so called, in order, for instance, to eat meats forbidden by precept of his Rule, or for the non-observance of other similar precepts ; for dispensation is necessary only for

the removal of obligations, and, where there is no obligation, no dispensation is necessary.

XVIII. — DOES A RELIGIOUS WHO BECOMES A BISHOP ENJOY THE GRACES OF HIS ORDER? AND WHAT OBLIGATIONS REMAIN IN A RELIGIOUS WHO HAS BECOME A CARDINAL?

The graces, or privileges and indulgences, granted to an Order, have regard either to the body of the Order as such, being granted in its favour as concerns jurisdiction, administration of temporal goods and the like, or have regard to the individual religious of the Order. A bishop cannot enjoy graces of the first kind, since such privileges are founded not on the personal religious state, but on a bond and union with the body to which they are primarily granted, and for the use and advantage of which they are ordained.

With regard to graces and privileges of the second kind, the use of them by a bishop will either be burdensome to the Order, or it will not. When a privilege grants a grace which a religious person can enjoy for the benefit either of his soul or body, without burden or grievance to the Order, it does not cease by reason of his elevation to the Episcopate. As the obligations and substantial bonds of religion, which are not incompatible with the Episcopal office, remain, so also do such graces and indulgences of the religious state which he can enjoy without disadvantage to his Order; the substance of the religious state being of itself alone a sufficient foundation and cause for such graces. But if his use

of such graces redounds to burdening the Order or monastery, it is not to be admitted, since such favours are always held to be granted principally for the benefit of the Order.

What is true of regular bishops is true also of regular Cardinals, and with still greater reason, for not only does a religious Cardinal remain always a religious, but, unless he is a bishop, he is not constituted in the state of perfection, as a bishop is, for he is not so constituted in virtue of his elevation to the Cardinalitial dignity. He retains therefore the bond of poverty, and is incapable of proper ownership, and without dispensation cannot make a testament. Whatever he acquires after his elevation he would appear to acquire for his own Church, for he has always the title and government of some particular Church, or else he acquires it for the Roman Church, or the Apostolic See. With regard to obedience, it is clear that he is subject immediately to the Pontiff alone; the same *bond* of obedience however he retains. So also with regard to his obligation to other observances of his Rule, there is the same ground of exemption; for, according to the institution of the Church, he is, equally with a bishop, separated by means of his dignity from the body of his Order. He ought however to wear the habit in accordance with the practice of the Church. From this obligation only a religious who has become Supreme Pontiff is set free, although even he does not lose the substance of the religious state.

XIX.—CAN A PROFESSED RELIGIOUS PASS TO A BENEFICE, OR TO A DIGNITY WHICH IS INFERIOR TO THAT OF THE EPISCOPATE? AND BY WHAT LAW WILL HE THEN BE BOUND?

A religious is not, in virtue of his profession, incapable of an ecclesiastical benefice, even when it has annexed to it the cure of souls. It is true that there are many ancient decrees which forbid monks to presume to exercise the functions of clerics, or minister to the people, but these refer to the old times when monks were laics, and not clerics in virtue of their profession, and not instituted in order to this end. Moreover, those decrees did not wholly exclude monks from such ministries, as disabled either for orders or for benefices or for ecclesiastical ministrations, but only forbade their thrusting themselves into these by their own will and as by a usurped right, and without due faculties from their superiors. In an ecclesiastical benefice two things are to be distinguished. There is, first, a spiritual right to a certain ministry, and this right sometimes includes also ecclesiastical jurisdiction, either in the ministration of the word of God and of the sacraments, or even in the external *forum*. The second is the temporal emolument attached to the benefice. It is clear that a religious is not incapable of the first, for such a right is not in conflict with any substantial vow of religion. The vow of poverty excludes as we have seen (vol. i. page 297) only temporal rights and goods as concerns the ownership and proprietary use of them, and does not exclude spiritual ministries and offices even as concerns the

ownership and possession of them, and so far ecclesiastical benefices are of this character. With regard to temporal goods, it is not of the nature of a benefice that the ownership of them should be acquired to the holder of the benefice, and it suffices that the administration, use and dispensation of them should belong to him. Neither is a religious incapable of a benefice by Canon Law, which permits or grants them, according to the common axiom that regular benefices are to be bestowed upon regulars, and secular benefices upon seculars, and so supposes that regular benefices can and ought to be administered by regulars. A regular can therefore hold a regular benefice of his own Order or monastery, but not of another, save by special dispensation.

That a religious who has been provided with a benefice remains truly a religious, and bound by the substantial bonds of religion and to wear the habit, there is no doubt; and he also remains bound to his Rule, so far as it can be observed outside the monastery and in a private house, as in the case of a religious who is living outside the cloister, with leave or lawful dispensation (see page 219). He remains truly under the obedience of his Prelate, and he is still a member of his Order, and therefore he is bound by his Rule in the same way as before, and is excused only from those observances which in a habitation separated from the community cannot be fulfilled, or which his office hinders.

Goods acquired by a beneficed religious on account of his Church are acquired to that Church, and not to

his monastery, when the Church is not entirely subject to the monastery.

He is not the owner, but is only the dispenser of its goods, and he has free administration of them; that is, administration independent of the will of his regular prelate, since in so far he is not subject to him. He is bound, of the nature of the case and in virtue of his office, to observe a due order in dispensing goods which are not necessary for his own use, and he must first make provision for his Church, and then for the poor who are subject to him, or to that Church. If anything is over, he can then justly and religiously bestow it upon his monastery, since this is a work of religion and mercy, and it is not prohibited by any law.

With regard to goods, on the other hand, which a beneficed religious acquires otherwise than on account of his Church, as for instance in respect of himself personally, whether by hereditary succession or by gift to him, he acquires them not for his Church, but for his monastery so long as he remains subject to its authority. If he were his own master, those goods would in no way belong to his Church, and therefore, since he belongs to his monastery, he acquires them to it. Moreover, his monastery had previously a right to them by reason of him personally, and this right it did not lose by reason of his benefice, since by his translation to it his person was not transferred absolutely, but only in part.

In things which are contrary to the obligations of his benefice or to the advantage of his Church, a beneficed religious is not bound to obey his prelate, for "no man can serve two masters;" and he is bound of justice to

fulfil his office, and his prelate has no power to impose upon him a contrary obligation.

If his Church is wholly exempt from the jurisdiction of the bishop, and is subject to the regular prelate, a beneficed religious will be bound to obey him as he would have been bound to obey the bishop, if his Church had of ordinary right been subject to him.*

* With regard to churches subject to the bishop, and served by regulars, consult the Constitutions of Benedict XIV. : *Firmandis—Ministerium Apostolicum*—and *Cum nuper*.

CHAPTER XIV.

THE VARIETY OF RELIGIOUS ORDERS.

I.—CAN THERE BE, AND OUGHT THERE TO BE IN THE
CHURCH A VARIETY OF RELIGIOUS ORDERS?

HERETICS, who abhor with a deadly hatred the religious state, have been loud in condemnation of the multitude and variety of religious Orders. They have maintained that for some religious to say that they are of the Order of St. Francis, and for others to say that they are of the Order of St. Dominic, is the same as to say—"I am of Paul, and I am of Apollos." They argue that this is to introduce schisms and divisions into the Church, to the prejudice of the unity of faith and charity. It is nevertheless a catholic truth that the variety of religious Orders belongs to the adornment and welfare of the Church and to the greater glory of God. This truth is certain as of faith, and, if confirmation were needed, we have the examples of the saints who have instituted various Orders, the common consent of the Church, and the authority of the Pontiffs who have approved those Orders. We have also the testimony of Gregory XIII., who, in his Constitution of Confirmation of the Society, says—Since the Divine Providence has, according to the necessities of the times, produced in the Church

various and salutary Institutes of religious Orders, and for new diseases has as they arose provided new remedies, and for fresh assaults of the enemy has as they occurred raised up new auxiliaries of regular Orders, and to each of them, according to the vocation of the particular grace of each, has suggested certain special notes, particular insignia and means opportune for that end at which each aims, it is clear therefore that a variety of religious Orders has been introduced by the Divine Providence, and is opportune and an aid to the Church.

It may be laid down, as a first principle, that all religious Orders necessarily agree in the substantial of the religious state, which consists in two things, namely, in aiming at perfection of charity towards God, and consequently at perfection of charity towards one's neighbour, and in renunciation of the world by means of the three substantial vows, and the tradition or delivery of oneself which is confirmed by those vows, by which a man consecrates himself wholly to the Divine service.

St. Thomas says that in two ways only can a distinction exist between religious Orders, namely, as regards their proper end, and as regards the exercises and means by which they aim at that end.

It is true that all the particular *ends* of the various religious Orders are themselves also *means*, if we compare them with the general perfection of charity, which is the one end of the religious state ; and yet nevertheless they are proper ends, inasmuch as they are things good in themselves, which are therefore for their own sake proximately sought. They may also be called *ends*

inasmuch as they are as it were certain formal exercises of charity itself, and as such are aimed at as ends ; although, regarded absolutely and in comparison with perfection of charity, they may be called *means*. If charity is considered in itself, it has many functions in which it is exercised, and by which it is proximately increased. These are so diverse that all and every one of them cannot be primarily aimed at by every religious Order. Some Orders have in view the contemplation of God, while others labour for the benefit of their neighbours, and among the latter there is again great variety.

In order to the attainment and religious exercise of its own proper end, every Order makes use of its own proper modes and observances, such as prayers, fastings, manual works and the like. These are called its own proper means, since they are immediately referred to its own proper end, and through the intervention of that end to the general end, which is perfection of charity.

It sometimes happens that two Orders have been instituted with the same proximate end, and nevertheless make use of different observances as means towards that end. In this case, the two Orders are said to be distinguished by their means, and not by their end.

Those Orders are more distinct the one from the other, which are distinguished by their respective ends, than those which are distinguished only by the means which they employ. They may in a manner be said to be of different species, for in moral diversity it is the end which gives the species. Sometimes the ends may be as it were substantially different, as for instance hospitality

on the one hand, and the preaching of the Word of God on the other; while sometimes the diversity may be only according to greater and less, as perpetual or lengthened contemplation, and contemplation only at certain definite hours; or as the preaching of the Gospel among the faithful, and the preaching of the same Gospel throughout the world and among infidels, and so on. It is clear therefore that there is a greater diversity between religious Orders when their ends are substantially different than when there is diversity only as regards the means which they employ in order to the same end.

Again, there will be a greater diversity between Orders in proportion to the diversity of the means and exercises which they respectively employ. Sometimes the difference is so small as to be only in habit and insignia and some few ceremonies, as in the case of the Order of St. Benedict and the Order of St. Bernard among monks, and as in the case of the military Orders of Alcantara and Calatrava. These seem to be distinguished only numerically, although within this limit they are more distinct than are two monasteries of the same habit; in the same way as a white and a black man are only numerically distinct, and yet within that limit they are more distinct than are two white men. The Mendicant Orders, such as the Friars Minor and the Friars Preachers, do not seem to be distinct in their end but in their mode and means; and yet the difference between them is far greater, so as more nearly to approach a specific difference.

The greatest distinction is when there is a distinction

both in end and in means or exercises, and especially when in the vows themselves and in the mode of their observance there is a diversity, because, since in the vows the substance of religion consists, the diversity most nearly approaches the substantial.

Within the same Order there may be so great a variety that there might appear to be several Orders, as among the Friars Minor. This is chiefly true when religious of the same Order are subject to different general prelates, for then they are, as it were, distinct armies, under different leaders, with different insignia and sometimes with different arms, although in their end and otherwise there is great agreement.

Unity between religious Orders is, on the other hand, to be found in the oneness of their end, and in the oneness of the principal and substantial means which they employ; for some diversity in minor and accidental matters is not at variance with unity.

Oneness of head, or unity under one proper supreme prelate of the same Order conduces to *corporate* unity, although it is not necessary to unity in itself, if there is oneness of Rule, and in the origin of the Order. The Order is then spoken of as one, not only colloquially but in law. Thus, for instance, all nuns who profess the Rule of St. Clare are held to belong to the same Order, although some monasteries of them may be subject to the bishop, and some to a regular prelate. There is however, it cannot be denied, a greater unity when the religious of the same Order have not only the same Rule but the same prelate, for a body-politic, such

as a religious Order is, receives its unity from the oneness of its head.

Oneness of external habit also belongs to the unity of a religious Order, for although this is not of the substance of religion, it is nevertheless a sign of a particular profession of religion. This condition is not so necessary that within the same Order no diversity of external habit may be permitted. Sometimes the Rule itself positively demands diversity of habit, between lay brothers and clerics of the same Order. Sometimes it permits it, inasmuch as it does not directly prohibit it. Sometimes the Rule determines the pattern and material, but not the colour of the habit; and then even if some variety in colour should be permitted in different monasteries or provinces, this will not be subversive of the unity of the Order. This variety of habit, however, can never be so great that some unity or similarity of habit should not be preserved to indicate the oneness of the Order, as in the case of the Observantines, Conventuals and Capuchins in the Order of St. Francis; in the case also of the two Orders of the Trinitarians; and much more in the case of the Order of Canons Regular. The Society has no peculiar habit, and admits the same variety as does the clerical habit in different countries, observing only this unity that everywhere the habit should be respectable and not unbecoming the religious state.

The variety of religious Orders has been designed and introduced into the Church, as very advantageous thereto, by the disposition of the Divine Providence and

the direction of the Holy Ghost. The religious state is proposed to men as a most useful means towards the acquiring of perfection ; but, morally speaking, one religious Institute and mode of living would not be adapted for all men, by reason of the very various temperaments and dispositions of men. It is therefore most advantageous that there should be certain Orders which are ordained for the quiet and leisure of contemplation, and other Orders for active work, and others for a mixture of both, so that all might have an opportunity of choosing that which is most expedient for each. So also as regards other differences ; for some take pleasure in certain actions and exercises rather than in others ; some have an inclination to a solitary, and some to a social life ; some are more fitted for bodily labour and austerities, and others for study and spiritual exercises ; and so by means of a variety of religious Orders the wants of all are provided for. Another reason for their variety is because religious Orders are, of the intention of the Holy Ghost, instituted not only for the benefit of those who compose them, but for the assistance of others, and of the whole Church ; and so, in accordance with the variety of ministries by which they may serve the Church, will be the variety of religious Orders. St. Bernard says that this variety belongs to the beauty of the Church, and quotes the Psalm—"The Queen stood on Thy right hand in a vesture of gold, girt with variety ; nor is it," he adds, "to be wondered at that, in this exile while the Church is a pilgrim, there should be such a plural unity and one plurality, since also in Fatherland, when she shall reign, there shall be a differ-

ing equality, as it is written, In My Father's House are many mansions."

Hence it appears how far removed this distinction of religious Orders is from any division and schism in the Church, for as in the same house a diversity of rooms and chambers does not destroy but builds up the fair unity of the house, and as in a commonwealth or city a plurality of arts and offices is not contrary to unity but is rather most necessary in order that the city should be complete and perfect, so in the Church a variety of religious Orders does not interfere with, but illustrates its unity.

The inconveniences which are objected as arising from this variety are of lesser moment, and cannot be compared with the advantages which spring from it. Human affairs can never be wholly free from all inconveniences, and when these arise, not from things in themselves, but from the frailty or malice of men, greater goods are not to be sacrificed, but remedies are to be employed for the prevention of the evils, and the chief of such remedies is charity. "It is demanded of me," says St. Bernard, "why, since I praise all Orders, I do not embrace all, for I praise all and love them wheresoever I find them justly and piously living in the Church; one I actually embrace, the rest I embrace by charity; and charity will effect, and I speak with confidence, that I shall not be defrauded of the fruit even of those whose institutes I myself do not follow."

II.—IS THE RELIGIOUS LIFE RIGHTLY DISTINGUISHED INTO THE SOLITARY AND THE CŒNOBITIC? AND WHICH OF THESE TWO IS THE MORE PERFECT?

Many ancient and most perfect monks professed the solitary life, and of these St. John the Baptist is called the Prince and Leader in the law of grace. Before it, under the old law, Elias is held to have originated this state; and of it Christ Himself willed to give an example, when He retired to the desert for forty days, to give Himself to fasting and contemplation.

Among the Fathers the distinction of monks into cœnobites and anchorets was a common one, and anchorets were again sometimes distinguished from eremites; an *eremite* being understood as one who always from the first professed the solitary life, and an *anchoret* one who, after having acquired perfection in the cœnobitic life, separated himself therefrom and betook himself to solitude.

The cœnobitic life is that which is led in a religious congregation, of whatever Order it may be; and it is also called the common or social life.

That this mode of common life is most excellently adapted for the religious state, is evident both from the practice of the Church, in which this mode of religious life has prevailed, and is now almost the only one observed, and also because of its fitness for the observance of all the substantial vows of the religious state, and the practice of all the counsels and virtues. Of it St. Augustine interprets the Psalm,—“How good and how pleasant for brethren to dwell in unity,” because in reli-

gious communities there are many in such wise that there is nevertheless but one heart and one soul. Of this there was a beginning and as it were a pattern in the supper-room where after the ascension of Christ the Apostles were gathered together with the faithful, all instant in prayer and waiting for the advent of the Holy Ghost. To cœnobites also most rightly belongs the name of *Monk*, for although that word is derived from unity, and a monk is so called as being a man who is as it were one and solitary, yet, as St. Augustine says,—they so live in unity as to make but one man, and so that it should be true of them that while there are many bodies there is but one heart and one soul.

Every life may be called by the general name of a solitary life which is not a common life, or led in a society of many who profess the same kind of life, whether it be led in solitude and separate from all intercourse with men, which is properly called the eremitic life, or whether it be led in villages, towns or cities, although in a private house of one's own ; for, although this cannot be called a solitary life so far as regards conversation and intercourse with other men, yet, if otherwise religious, it can be called solitary so far as regards society and unity in the same kind of life. Both modes of living have been practised in the Church by those who have embraced the way of the counsels and of perfection ; and of the eremitic life we have the most brilliant examples in antiquity.

To avoid ambiguity of terms, however, we must remember that religious who lived in communities, were sometimes called eremites, when they built their

monasteries only in solitudes and desert places, and when their manner of life demanded separation from the world of men. Such were the Eremites of St. Basil, and of St. Augustine, and the Carthusians are called eremites, who in their profession promise "conversion and moral amendment in the desert," and nevertheless their life is certainly cœnobitic, although it partakes in great measure of the solitary. In another way those are called eremites who profess the solitary life apart from any congregation and all conversation of men. Such was the life often led by Elias on Mount Carmel, by St. John the Baptist in the Desert, and by Paul the first eremite, as he is called in the Roman Kalendar.

That the eremitic life, in its strict sense, is holy and well-pleasing to God, is certain by the testimony of the Fathers and from the practice and approbation of the whole Church. But the question remains, Was it truly a religious state?

When it was embraced after passing through the cœnobitic life, as was counselled by many Fathers and as was an ancient custom, the eremitic life supposed and included the religious state which had been professed in the monastery, and which the eremite by his departure did not lose, since that state is in itself immutable and it was the practice of it only which was accidentally changed. It is clear that chastity and poverty could be most perfectly observed in the solitary life; while, as regards obedience, the departure to the desert should always have been made with due observance of obedience, and moreover, in the desert itself there should

always have been preserved some subordination to a prelate in accordance with the Rule and custom of the previous profession. Separation from the community would not under such circumstances have been at variance with the tradition or delivery of himself which the religious made to the monastery by his profession.

But when the eremitic state was entered on at once without passing through any community, or profession made therein, as in the case of St. Paul for the whole of his life, and in that of St. Anthony for many years, and in many other cases, it is difficult to define whether and in what way there was true profession of the religious state. Although as regards observance they may have cultivated the most extreme poverty and the most perfect chastity, yet it does not appear whether they made vows of these. Even given that they did, arguing from their desire to consecrate themselves wholly to the divine worship, and to the seeking of perfection, especially since they were not ignorant that perseverance under vow was a better good, and more well pleasing to God, than mere perpetual perseverance, or a purpose of the same, without vow, yet all this would not be sufficient in order to a true religious state. They did not profess, and this is the chief point, obedience to any man, nor did they propose or promise to live according to a certain Rule, or with dependence on the will of another. St. Thomas seems to reckon them amongst religious, and endeavours to shew how there was in their case sufficient obedience in order to the religious state, through their subjection to the bishops. This would be true if they vowed a special obedience to the bishops, but that they did so

there is no evidence. To have obedience in preparation and disposition of soul suffices in order to *personal* perfection, but in order to a *state* of perfection an actual vow of obedience is necessary, in which this aptitudinal obedience is founded. Either then those holy fathers, before they departed to the desert, made a religious profession in the hands of the bishop (and to suppose that they did so is sheer divination, for we read not a word of it in their histories or lives), or we must say that they were not properly and formally religious, so far as a public *state* is concerned, which has been approved by ordinary law in the Church. They may certainly have been religious before God for a higher reason which was specially approved by a peculiar instinct of the Holy Ghost. This St. Thomas seems to have meant when he says that in these holy men the Holy Spirit supplied by His grace what in others is acquired by exercise. Hence we may say that there was in them the religious state *quasi-eminenter*, through the abundance of grace which as it were confirmed them immovably in their mode of life, and supplied the direction of obedience which is given in the case of others by means of men.

As to which is the more perfect life, the cœnobitic or the solitary, when St. Thomas seems to prefer the solitary, he is speaking of it as arrived at through and after a cœnobitic life, and so as supposing a true religious state which has been both embraced and preserved. He is not therefore preferring one state to another state, but he is preferring the degree of the perfect to that of those who are still only progressing towards perfection

within the same state. He supposes previous diligent exercise in religious common life, so that perfection should have been already attained, and that solitude is chosen in order to the exercise of this perfection, and that not by the private judgment of the individual, but by the authority of a superior. A solitary life which is of this character, does not lack the subordination of obedience, and does not destroy but perfects the religious state.

In one who is already a religious a solitary life embraced in any other manner would not only not be perfect, but it would not be praiseworthy, because it would be contrary to obedience and to the obligation of his previous profession. Not every spirit therefore is to be believed which moves a religious to embrace the solitary life against the will of his superior, for the things which are of God are in order.

When the solitary life does not suppose a previous religious state, although it might perhaps be called a more perfect mode of living as regards action or practice, it could not be called a more perfect *state*, because it is *not a state*, and it is an imperfect mode of life to this extent that it can be changed at will.

Even supposing the religious state, if there is not also supposed exercise of that state in a congregation of brethren, and the acquirement of great virtue and perfection, the solitary life is not, as a rule, an eligible life; since it is not a secure way towards perfection, but is a way full of perils, unless as St. Thomas says,—divine grace supplies what in other men is acquired by exercise, as in the case of St. Benedict and others. Hence,

absolutely and humanly speaking, an entirely solitary mode of living, embraced in that way, does not fall under human counsel, nor can it be called absolutely a better life, but only on the supposition of the intervention of a special instinct of the Holy Ghost, whereby a man receives from Him an interior certainty that He will take him under His protection and direction. Nay, as a rule, it is more wholesome even for religious men, who have been exercised in sanctity of life, to live in a congregation of their brethren than to live in solitude.

Still more apparent is the far greater advantage and security of the religious life when it is led in a community, than when it is led in a private, domestic, and not wholly solitary life. In the latter a religious does not have the advantages of common life, such as a greater and as it were continuous inflow of obedience, the support of other brethren by means of their example and correction, other works of charity, many occasions of exercising all the virtues, especially those of humility and charity, greater custody and vigilance in the pursuit of perfection and the avoidance of defects, along with many other similar advantages. A private or domestic but not solitary religious life is devoid, moreover, of that special facility for giving oneself always to God, for which the solitary life is held in veneration and admiration.

Hence both the private and the solitary religious life have almost passed away from the practice of the Church ; the domestic, as of no great advantage and as exposed to dangerous occasions ; the eremitic and wholly solitary as perilous, and as ordinarily not advantageous unless led under actual obedience to some religious Order.

Even in the sense in which the eremitic life is preferred by St. Thomas to the cœnobitic, the preference is only when both are compared as standing strictly within the limits of the contemplative life. Within those limits the solitary life is preferred as being better adapted for actual contemplation. But if an entirely solitary life is compared with that kind of active life which is active with the action which flows from contemplation, and which requires some intercourse with men, this latter is absolutely the more perfect life, for it is higher to perfect than to be perfected, and it springs from the abundance of perfection to deliver to others the things which have been contemplated.

III. — CAN RELIGIOUS ORDERS BE RIGHTLY DIVIDED INTO THE MILITARY, AND THE NON-MILITARY ?

Warfare, duly waged, is a good and righteous work, instead of being, as certain heretics have asserted, intrinsically evil, or at least prohibited by the Gospel law. No such prohibition is to be found therein or throughout tradition, while the contrary is clear from the practice of the Church. Many Christian princes have often waged most just wars for the defence of the Church, not only with the approbation but at the instigation of the Supreme Pontiffs, and with miraculous confirmation on the part of God. The reason is evident, for warfare is often necessary in order to the peace and defence of the Church ; and in supreme Princes there resides the right and the power both to defend, and to avenge their own commonwealths. A war, moreover,

may not only be just, but also pious and religious, when it is undertaken proximately for the defence of religion, the faith, or the people of God from the injuries of infidels, pagans or heretics. Such was the war of the Machabees; and in the Church war against the Turks for the defence or recovery of the Holy Land has always been so regarded.

A religious Order cannot be instituted for the purpose of fighting in any *merely just* war, for however just it may be, war cannot be an end of the religious state, since in itself it is a merely earthly and temporal affair no less than any trade or commerce. Again, the religious state should primarily have regard to the worship of God, and to piety and the perfection of the soul; but warfare which is merely just, although it has in it a certain moral goodness inasmuch as it is just, does not however include divine worship, and is not a work of piety, and does not of itself contribute to the perfection of the soul, but is rather in itself exposed to many perils which, unless they were counterbalanced by some end of religion and of the common good, would prevent its being chosen by one who had the desire to attain perfection.

But religious warfare, that is, warfare waged in defence of the Christian religion, of the Church, and of the innocent, may be a fitting end for which a religious Order can be instituted, with this as its proper scope and aim. This is the mind of St. Thomas whose judgment is confirmed by the practice of the Church, for military Orders recognized and approved as religious Orders have long existed in the Church, in fact, from the time of Urban II.

The end of such Orders is most excellent, and very perfect, and pertains not a little to the glory of God and His worship ; and in order to such an end there may be the most excellent means, those, namely, which substantially constitute the religious state ; and if there is added the authority of the Supreme Pontiff, there will be nothing wanting to the true religious state. The vow of chastity is most excellently adapted to the end of such an Order, since the obligations of a husband and the burdens of matrimony stand greatly in the way of that freedom which is necessary for warfare, that a man may expose his life to the perils of war without solicitude for wife or children. Supposing celibacy, consecration of chastity by vow is itself most well pleasing to God, and avails to obtain from Him the aid which is so especially necessary in such a life. It tends moreover to the preservation of that purity of soul which is so necessary for those who lead a life which is beset by so many dangers ; and it may also greatly contribute towards the preservation of health and of that robustness of body which is so necessary for the functions of such a life.

The same or similar advantages may be found in a vow of poverty ; for in order that a man may truly and from his heart consecrate himself to warfare for the sake of God, and seek therein no temporal gain, there can be no better disposition than that he should renounce all temporal things, and lay aside all affection for them ; otherwise there might often be great peril of his fighting rather in order to the increase of his fortune than for the sake of God.

Obedience, even apart from all question of religion, is

of itself most necessary in war; for without it neither due order, nor exact execution, nor a prudent distribution of posts can be effected, and on such matters the success or happy issue of a war in very great measure depends. If therefore a warfare is religious and undertaken solely for God, it very greatly conduces to its perfection that obedience should be consecrated to God by vow. Superiors can then with greater power and confidence prescribe, and subjects will with greater reverence and promptitude obey. In an affair so arduous there can be no greater happiness than to be governed by the Divine will through the Vicar of Christ, to whom in God's name the warrior has delivered himself, for so both his actions will be of greater merit, and the Divine aid in them can be hoped for with greater reason.

Moreover, the tradition or delivery of oneself to the Order, which is made in religious profession, is in special accordance with this state, since such delivery is a preparation for perfect obedience and at the same time for poverty, and the stripping oneself of all things. He who so delivers himself denies himself, and in a manner abandons himself, and he who professes religious warfare places not only his actions but his life itself in the hands of his prelate, and so delivers himself in the most perfect manner, and therefore in a manner which best becomes the religious state.

Although a life of warfare is exposed to infinite perils of sinning, both by reason of intercourse with other men who do not profess religion and ordinarily do not lead decent lives, and by reason of the leisure which occurs

during the intervals of actual warfare, yet it is certain that in such a state of life it is possible to observe the precepts, and that in order to this it is possible to provide sufficient means. Again, a state of perfection is a state which is destined to the doing of something for God, which both requires and manifests and carries with it perfection of charity; and surely the "laying down of one's life for one's friends," which those men certainly do who consecrate themselves to sacred and religious warfare is of this character, for, as Christ Himself said,— "No man hath greater love than this."

All the arguments against such a state of life, drawn from its dangers, go only to prove that it is morally necessary that, before the religious give themselves to actual warfare, they should be for some time instructed and exercised in virtue. Worthily and with due intention to wage war religiously is a work rather of perfection *already acquired* than of perfection *to be acquired*; but a religious Order, although it may exist for the exercise of perfection, of itself requires that it should be a school for the acquiring of perfection, and due order also demands that one should first acquire perfection before exercising it. Unless also religious warriors should first have been rooted and grounded in virtue they could not, morally speaking, avoid the perils of sinning. Hence it is most fitting and morally necessary that in military Orders there should be religious convents in which the military brethren should dwell for a time, and be instructed in virtue and the way of perfection, before they give themselves to actual

warfare, and that they should sometimes return to them in time of peace, or when they can conveniently be spared from their military duties, in order that they may be confirmed in virtue, and, if from human frailty they have fallen or become remiss, be restored and refreshed.

It is also very expedient that such Orders should not be purely military, but that they should have some admixture of and association with religious who give themselves not to warfare but to spiritual exercises and the Divine worship, so that the military brethren may be instructed and aided in spiritual matters by religious clerics. Hence in the histories of the military Order of St. James we read that that Order consisted at first of military brethren only, but these found that they could not persevere in goodness of life and progress in virtue, and observe their Institute in its perfection and in accordance with its due end, without religious priests, and so certain regular canons came to be associated with them in one religious body; and the same custom has obtained in the other military religious Orders.

IV.—ARE THE MILITARY ORDERS WHICH NOW EXIST PROPERLY COMPREHENDED GENERICALLY UNDER THE RELIGIOUS STATE?

With regard to the Knights of St. John, they are true religious in virtue of their institution, for in their Institute is to be found whatever can be desired in order to the reality of a religious Order. They have, in the first place, the vow of chastity in its integrity.

The vows of poverty and obedience have no fixed measure which is necessary in order to the reality of the religious state, but it suffices that they should exist and bind in accordance with some approved Rule. As regards poverty, these Knights are in reality incapable of dominion, and of all use and disposition of the same without leave of their superiors. Any latitude in this matter may belong to lesser rigour of religious life, but as it exists in them it does not amount to being destructive of the substance of religion. Since the Knights are bound in virtue of their Institute to obey in a matter which is sufficiently arduous and difficult, such as the encountering of all the perils of war in defence of the faith, the character of their obedience cannot be open to question.

It follows that all the military religious Orders, which were instituted from the first with a vow of chastity in its entirety and with the other requisites, are, so long as they remain in that state and in its integrity, truly and properly religious Orders.

With regard to the other military Orders which either from the beginning vowed and professed only conjugal chastity, as in the case of the Knights of St. James; or which by relaxation, granted by the Supreme Pontiff, have descended to this level,—they are properly religious so far as regards their state, although as regards practice and observance they do not absolutely live religiously, but only very partially. They are, absolutely speaking, *ecclesiastical* persons, and they enjoy the privileges both of the Lateran Canon, and of the *ecclesiastical forum*, as is expressly declared in the Bulls which have been

granted in their favour ; that is to say, they are protected from assault by excommunication of those who assault them, and they have immunity from secular tribunals. They are taken specially under the protection of the Supreme Pontiff, as persons specially dedicated to the divine worship. They have in law the name of religious, absolutely speaking, and especially as regards favours and graces ; and in the Pontifical Bulls they are absolutely so called ; and they are held to have in the Church a proper and special ecclesiastical state, which, since it is neither secular nor clerical, is therefore religious.

Their state is not that of the ordinary and common life, which consists in observance of the precepts, but is that of observance of the counsels ; and that with a tradition or delivery of the whole man and of his whole life to the service of God ; and that again in order to what is sufficiently difficult, namely, the exposing of their lives to so many perils and labours for the defence of God's honour and the honour of His Church. They have a perpetual obligation to the three great counsels of poverty chastity and obedience, so far as these are accommodated to and suffice to the end of their state. Their state is therefore a state of perfection.

It is not of the idea of the religious state in general that in it the highest possible poverty or obedience should be professed ; otherwise there would hardly be any true religious Orders. Every Order determines for itself a certain mode and measure as regards the matter of these vows, and this cannot be better ascertained than as it is discerned from the special end of each Order.

This is clear with regard to the vows of poverty and obedience, but the difficulty remains with regard to the vow of chastity. It is only continence from matrimony and from the use of matrimony which is of counsel, and which can therefore be the matter of a vow; for conjugal chastity is not of counsel but of precept. But be it remembered that military religious are very often bound to be long absent for purposes of warfare, and any transgression of their obligation to this absence, from inordinate affection for their wives, would be not only against obedience, but also against that conjugal chastity which belongs to the state which they have embraced. A vow of conjugal chastity, although it does not prohibit chaste intercourse, yet hinders all intemperate intercourse; and intercourse which would not be intemperate in the case of others may be intemperate in their case. A vow such as theirs comprehends therefore a certain continence which is absolutely of counsel and not of precept, and which may therefore be the matter of a vow.

V.—ARE RELIGIOUS ORDERS FITLY AND SUFFICIENTLY
DIVIDED INTO THE CONTEMPLATIVE AND THE AC-
TIVE ORDERS?

The life of a Christian man is partly contemplative and partly active. By *contemplation* we mean not speculation with regard to any truth whatsoever, but contemplation of those truths which concern God and the knowledge of God. Even with regard to those truths we do not mean arid and sterile speculation, which

bears no fruit in the will and which contributes in no way towards its uprightness; we mean that speculation which so raises the mind to the knowledge of God as to unite the whole soul to Him. By *action* we mean external works and occupations, not however with regard to every secular affair, but with regard to the practice of virtue and especially of mercy, which aims at relieving the miseries, whether corporal or spiritual, of our neighbours. There are in us two kinds of operations of grace and sanctity, in which the supernatural life consists; one which belongs to internal consideration, and another which belongs to external operation. Since each of these kinds of operations forms a life, there is rightly said to be a twofold life; one of which is fittingly called the contemplative, and the other the active life. This division is of faith; and the Fathers see it signified in the two sisters of Bethania, one of whom, Mary Magdalene, gave herself to contemplation of the word of Christ, and to the enjoyment of His sweetness and love, while Martha ministered and prepared the necessaries of life for Him. Mary He defended and specially commended as having "chosen the better part." Martha's part, while by no means evil, had nevertheless not the same excellence. The distinction is not to be understood as if the active life excluded all contemplation, and as if the contemplative life excluded all action. Each is named from that which in each is principally aimed at, and is predominant; and by predominant we mean not that which occupies the greatest part of one's lifetime or day, but that which is the *end* for which all things else are done, and to which all things else are subordinated. An Institute of life, there-

fore, which of itself primarily and principally has regard to works of mercy, hospitality, the redemption of captives or the like, as its proper end and scope, although it may include some prayer and consideration in order that those works should be holily accomplished, and in order generally to the divine worship,—is, by reason of its end, called *an active life*. When, on the other hand, perfection of contemplation is what is principally aimed at, and action and mortification of the body is ordained as a means towards that end, and as ministering to contemplation,—the life is properly a *contemplative life*.

Both kinds of life are adapted for the acquiring of perfection, for both perfect charity, and so far as is in them exclude all sins. In those two things the substance of perfection consists; and both lives therefore are meet to be embraced as states of tending towards perfection, and as states to be consecrated by religious vows. We find therefore that there are certain monastic Orders which are principally ordained for contemplation solely; and, if they share in action, it is simply in order to their own proper perfection, or is accidental to their state. We find, on the other hand, that there are Orders which have been instituted chiefly for the exercise of acts of mercy towards their neighbours. As a means towards such works being done without hindrance and with perfection, celibacy has been chosen, and all the cares of riches removed, and obedience promised, as in the Mendicant Orders, and in other Orders which give themselves to the care of the sick, the redemption of captives, or other similar works.

Although both Contemplative and Active Orders are at one in the general end of seeking their own perfection and the divine service, they have nevertheless different and proper proximate ends. It follows that they must necessarily differ in the principal means which they employ towards their proper proximate ends, while they have in common certain general means, such as the three substantial vows, some castigation of the body, prayer and the like. They will necessarily differ, for instance, with regard to conversation with their neighbours or separation from them, journeying or remaining always within the cloister, choir or study and the like.

The distinction of religious Orders into the *Contemplative* and the *Active* is, therefore, a good one, but it is not entirely adequate; and for the sake of greater clearness we may add to the distinction a third member, namely, that of Orders the life of which is *mixed*, and consists partly of contemplation and partly of action. These two are not so contradictory that they cannot *both* be *principally* aimed at at the same time, and with great perfection. Such was the life professed by Jesus Christ, Who was wont to pass the night in prayer to God, and during the day to go about doing good and healing the infirm. The same kind of life He taught to His Apostles who ascended the mountain with Him, and frequently accompanied Him to the Garden of Gethsemani to pray, and who also went forth with Him to preach, and were sent by Him two and two for the same purpose, and to heal the sick; and they themselves declared at the election of the Deacons, "We will give

ourselves continually to *prayer* and to the *ministry of the Word*." When also Christ called the purely contemplative life of Mary Magdalene "the better *part*," and preferred it to the other part, the active life of Martha, He seems to signify another kind of life which should be, as it were, *ONE whole LIFE*, mixed and compounded of both.

That kind of active life which not only does not exclude contemplation, but requires contemplation as its sister-german, or rather in a manner intrinsically includes contemplation, as demanding great internal consideration in him who gives himself to spiritual ministrations in aid of souls, whether by preaching, hearing confessions, private conversation or the like, may rightly be distinguished as a *mixed life*.

Preaching is contemplation expressed by external action, and it raises not only the mind of the preacher, but the minds of others to God, and it supposes, in order to its being rightly exercised, lengthened prayer and meditation on the truths to be uttered, and this again must be preceded by reading, which is also a part of the contemplative life. Reading, as St. Thomas says, is as it were, the first beginning of the elevation of the mind to God, for by reading we learn and receive that which by meditation we preserve and digest, and so by degrees the soul is inflamed towards God; or, to quote St. Bernard, it is the first of the four steps of the cloister stair, which are reading, meditation, prayer and contemplation. Although the last, as the most perfect, gives its name to contemplation, the contemplative life nevertheless embraces all the four. Reading seeks, as says

the same St. Bernard, meditation finds, prayer begs, and contemplation relishes; and he adds,—“Reading without meditation is arid, meditation without reading is exposed to error, prayer without meditation is tepid, meditation without prayer is unfruitful; prayer with the devotion of contemplation is acquisitive, while the attainment of contemplation without prayer is either rare, or it is miraculous.” As these therefore are connected one with another, so the contemplative state, as such, comprehends all of them by way of beginning, middle, and end.

A religious Order which embraces both contemplation and action may aim at both as its end, especially if it is one of those Orders which are ordained for that part of the active life which consists in spiritual ministries to one's neighbours. We do not say that both lives are aimed at *only* inasmuch as they are ends, for it cannot be denied that the contemplative life is in such an Order ordained as a means towards action, for study, reading and meditation have reference very frequently to the service of others; nay, prayer itself and union with God may be most rightly desired and procured for the sake of that end; since the greater one's union with God the more does one become an apt instrument of God for the aid of souls. Nevertheless contemplation ought itself to be principally aimed at even in such an Order, in the first place, because it is not merely a *means* but is itself most desirable *for its own sake*; and secondly, because in such an Order one's own perfection is aimed at *more* even than that of

one's neighbour, and one's own perfection chiefly consists in contemplation and is attained to thereby; and thirdly, because a religious of such an Order employs not only the contemplation which is necessary for him in order to the aiding of his neighbour, but also enjoys that which is profitable for himself, and is delectable in the Lord. Hence, in order that he may rightly fulfil his function, whenever it is not necessary that he should be occupied with his neighbour, he will apply himself to contemplation or to some act of the contemplative life, not for the sake of action, but because "love of the truth delights in holy leisure."

VI.—WHICH ORDER IS THE MORE PERFECT—THE CONTEMPLATIVE OR THE ACTIVE? OR THAT WHICH IS "MIXED," AND COMPOUNDED OF BOTH?

It is most certain that the *purely active* life is to be placed in the lowest degree, as less perfect in comparison with either the contemplative or the mixed life.

St. Thomas holds that an Order which, in virtue of its Institute, professes the contemplative life, and at the same time descends to spiritual ministries for the benefit of others, is to be preferred both in perfection and dignity to one which is purely contemplative. The mixed life includes the whole of the perfection of the contemplative life, and in no way diminishes it, but rather adds somewhat to it, and therefore is absolutely more perfect. We suppose that in such a life the contemplative life is aimed at and exercised, for otherwise it would not be a *mixed* life.

If actual contemplation of God is sometimes to be interrupted, in no better or more fruitful manner can this be done than by actions of charity towards one's neighbours, and especially by spiritual ministries for their benefit; since these are of far greater merit than all other acts outside the formal love of God. Hence even if, by occasion of such ministries, the interruption and occupation of time should be somewhat greater than it would be in private actions of other kinds, yet this is counterbalanced and compensated by the excellence of these ministries.

Further, privation of the sweetness of contemplation is in itself of great merit before God, and in fact St. Thomas gives it the preference over contemplation itself; on the same ground that in human friendship a true friend seeks the good of his friend more than the pleasure of his presence. Such was the charity of Paul who desired to be "anathema from Christ for his brethren's sake" (Rom. ix. 3), that is, to be deprived for a time of converse with and the beholding of Christ, in order that he might profit his brethren; or, as he said more clearly to the Philippians—"I am straitened between two, having a desire to be dissolved, and to be with Christ, which is far better, but to remain in the flesh is necessary for you; and having this confidence I know that I shall remain and continue with you all for your furtherance" (i. 23-25). Innocent III. commends the excellence of the Apostle's charity, because he preferred the good of his neighbour to that which was better for himself; and in like manner he commends the charity of St. Martin who, following the example of St. Paul,

said—"Lord! if I am still necessary to Thy people, I do not refuse the labour." Now these saints would have accepted not only privation of the sweetness of contemplation in this life, but to be deprived for a time of the eternal blessedness of the beatific vision; and yet this, although it is a delay of a great good, is not privation of any merit, but tends rather to an increase of merit. But when a man in this life deprives himself of actual contemplation of God for the sake of glorifying the same God in his neighbour, he suffers not only the delay of a good, but privation of a great merit, on which depends a greater eternal perfection of beatitude, which he will for ever be deprived of, unless this merit should in some other way be compensated. We cannot suppose, however, that a man should be deprived of so great a reward on account of a good work done in God's own service, and that he will not be superabundantly recompensed for any loss as regards merit and sanctification before God. Spiritual ministries for the salvation of others, done at due times and in a due manner, are of greater merit before God than actual contemplation, during the time which they have occupied, would have been; for those actions are the most meritorious and conducive to perfection which are the most divine and agreeable to God. This these spiritual ministries are of their own nature, since they are a co-operation with God for the salvation of souls; and therefore, by sharing in them, the religious state cannot be diminished, but is on the contrary increased in its perfection. "No sacrifice," says St. Gregory, "is more acceptable to God

than is zeal for souls;" and that it pertains to the perfection of charity towards God he says is shewn by the words of Christ to Peter, " Lovest thou Me? Feed My sheep;" for he who refuses to feed, when he has the opportunity, shews that he does not perfectly love. Ministries for the salvation of our neighbours are external acts not only of the love of our neighbours but also of our love of God; and therefore they are of their nature more meritorious than is purely internal contemplation. By such spiritual ministries the glory and honour of God are not remotely but directly and proximately sought, as His glory and honour exist in those who glorify and honour Him; and therefore the enlightening and conversion of men are proper external acts of friendship and love of God. Morally speaking, the more efficacious the love of God is, the better and more meritorious it is; and the love which does not confine itself to interior but issues in external effects, and those of the most perfect kind, is the most efficacious of all kinds of love.

Our love of God is by its extension to our neighbours, perfected in itself, for, as St. Thomas says, the love of our neighbour for the sake of God is more perfect than is the love of God alone; because it includes the love of God Himself, and adds thereto a love of God for the service of the same God, and the fulfilment of His will. He adds, by way of example, that it is a sign of greater love for a man to serve others also for his friend's sake, than for him to be willing to serve his friend alone. The same arguments which prove the perfection of the state of prelates, who exercise perfection by their functions

of purifying, enlightening, converting and perfecting, avail also to prove the perfection of an Order which shares their state, so far as ministries for the salvation and sanctification of others are concerned.

When the mind of a purely contemplative religious descends to compassion for his neighbour and so to praying for him, it does not fall from the most excellent way of exercising or perfecting charity, since it does not thereby withdraw from the perfect love of God, but in a manner widens and extends that love; and so he also who descends to action for the same motive, is in no way hindered from the perfection of charity, but is rather promoted therein. Most excellent is the aid of prayer, but it is not sufficient, for it is necessary to add to prayer labour, since God has decreed to work out the salvation of men, not by Himself alone, but by means of men; and so there must be not only those who pray to God, but those also who co-operate or work with God. This is, all things else being equal, more perfect, because it is more like to God, while it does not exclude lending aid by means of prayer.

In what we have said on this subject we have been considering not the imperfection of individuals by reason of human frailty, but the nature and perfection of the *state*, which the imperfection of individuals cannot hinder or destroy.

To conclude, a Contemplative Order is of its nature the most *secure*, as separated from external actions which concern one's neighbours, and from their society and conversation. Hence the practice of the Pontiffs which permits departure from other religious Orders, even of

the mixed life and however perfect they may be, to the Carthusian Order, which is purely contemplative.

Nevertheless, a mixed Order, which along with contemplation aims at spiritual action for the salvation of others, is of its own nature better and more *perfect*. The reasons are, because in the mixed life there are more occasions for the exercise of, along with charity, the most excellent virtues and of a greater number of these;—there is every advantage for attaining a greater knowledge of God, and opportunity for exercising charity towards God in the highest manner;—while there are more occasions for enduring labours or suffering evils for God. Along with these advantages there is found sufficient provision for the avoidance of perils; for, although the mixed life does not remove all remote occasions, it nevertheless provides means against even the ordinary occasions of lesser faults, and the distractions which frequently arise from even religious conversation with one's fellow-men; or in any case it certainly counterbalances them by some greater fruit.

In comparing the perfections of religious Orders we have to look not only to the perfection of the end of each, but also to the perfection of the means provided and used in order to that end; for, even if the end proposed by the Order should be very perfect, if the means are not in proportion and adapted to the exact and perfect attainment of the end aimed at, the state may, by reason of this disproportion, be less perfect than is a state which sets before it a less perfect end.

In those means we may distinguish a twofold good-

ness—one which they have as they are acts of certain virtues, such as temperance, penance or the like ; and another which they have, simply as they are means in order to the attainment of their end, and which may be called their *utility*. Supposing, therefore, the greater perfection of the end, the greater perfection of the means is to be looked for in this last perfection, namely, in their *utility* as conducing or aiding towards the end ; since the perfection of a thing, and in this case of the state in question, consists in its attainment of its end. Poverty is a means which is most excellently adapted towards perfection, but within the limits of poverty a greater poverty may be better for one end and may be less good for another end ; and if the end aimed at is more perfect, and a less degree of poverty should be more useful for the attainment of it, this less degree would in that case absolutely contribute more towards greater perfection. In the same way austerity of life is an excellent means towards perfection, by reason both of its own intrinsic goodness and of its utility for extrinsic ends ; but, while greater austerity may be more useful for one end, a modified austerity might be more useful for another end. If therefore the end aimed at should be more perfect, that austerity will be absolutely the best, which is most perfectly adapted to the attainment of the end. Universally speaking, if two Orders are equal in all things as regards their ends, and as regards the utility and proportion with those ends of the means which they employ, that Order will be the most perfect which observes the greatest austerity of life, or which employs

means which, while equally useful as means, are at the same time better in themselves as they are themselves acts of virtue.

VII.—ARE RELIGIOUS ORDERS FITLY DIVIDED INTO ORDERS OF MONKS AND ORDERS OF CLERICS?

The religious state is rightly divided into the clerical and the monastic; for so distinct is the clerical state from the monastic state that of old monks were, as a rule, not admitted, save for a special cause, to clerical ordination and functions.

It appears also that there has always been in the Church a religious state which was of itself and of its own proper institute—clerical, that is, constituted by the three counsels and vows of perfection, and at the same time destined to the ministries which are proper to clerics, whether in the divine worship or in procuring also the salvation of souls. Such was the state of the Apostles, who made the three substantial vows of religion, not in order to a monastic or eremitic life, but in order to an apostolic and clerical life, to profess which they were called by Christ. Hence we may rightly say that the first religious Order of Clerics was instituted, constructed and approved by Christ Himself. It is sufficiently probable that this Order did not perish with the Apostles, but was preserved by a continuous succession in their successors and disciples. This Pope Urban signifies when he says that the common life flourished amongst Christians up to his time, especially amongst those who were “chosen to the lot of the Lord,” that is,

amongst clerics. Clement I. says that the common life is specially necessary for those who desire to wage war for God without blame, and who wish to imitate the life of the Apostles and of their disciples. We read in the life of St. Augustine that when he was made a priest he instituted a monastery within the church, and began to live with the servants of God according to the manner and rule constituted by the holy Apostles. Many therefore suppose that the Order of Regular Clerics or Canons was not first instituted by St. Augustine, but was either reformed by him, or introduced by him into Africa, and furnished with a special Rule. Pius IV. maintains that the Order of Regular Clerics was instituted by the Apostles; and this Benedict XII. confirms, in his preface to the Constitutions of the Canons Regular. There is no question as regards the continuance of this state from the times of St. Augustine down to the present time, although with great variety so far as various institutes of it are concerned.

Although in the beginning of the Church all clerics professed the common and religious life, yet afterwards, and with the increase of their number, all did not desire to embrace this state, to which they were not bound of necessity, but only invited of counsel. But not only up to the time of St. Augustine, but up to that of St. Gregory, Colleges of Clerics, who observed a common and religious life, were instituted by the bishops.

It is clear therefore that there are and always have been in the Church two Orders of religious, — the clerical and the monastic. They are, of course, one in all things which belong to the substance of the reli-

gious state, otherwise both could not be truly religious Orders. They agree also in many accidental conditions of religion, as, for instance, in common life, and in the ordinary institution and observance of religious life, after a manner accommodated to the state of each. Both monks and religious clerics may agree also in some end or scope of the religious state, for both may aim at a purely contemplative life, and consequently may agree also in many of the means which they employ towards that end, such as, for instance, the practice of prayer and psalmody. There exist at the present day Contemplative Orders not only of Monks, but also of Clerics.

The first difference between those two states is this, that an Order of Clerics is in itself ordained for divine ministries; while an Order of Monks is not so ordained, of its primary end, although it also may extend itself to and embrace those ministries as an end.

From this difference in the end, there follows a second difference in the means, since the means ought always to be accommodated to the end. The state of monks, as it does not in itself require the clericate and the actions proper thereto, so neither does it demand those studies which are necessary for the right discharge of clerical functions, and which regular clerics stand in special need of no less than do secular priests; except in the case of an Order of Regular Clerics which gives itself solely to contemplation and to the divine service in the sacred mysteries, and not to spiritual ministries for the salvation of its neighbours.

Hence arises a third difference, namely—in habit ; for religious who in virtue of their Institute profess the clerical office, should in some way retain the clerical habit, in order that the habit may be in accordance with their state and life ; while monks wear the habit or cowl peculiar to them, and common to all of them.

From the same source springs also a fourth difference, namely, that the life of monks should, as a rule, or of its nature, be more austere than the life of Regular Clerics, in all that pertains to treatment of the body, such as food, clothing, sleeping and the like.

From these differences arises the diversity of name. The name of *monks* is not, in common practice, given to Regular Clerics ; nor is that of *brothers*, which is commonly given to monks.

As regards antiquity, the two states seem to be equal, for traces of both states are found in the beginning of the Church. If there is any preference it must be given to the Regular Clerics, for it is more certain that the Apostolic College was a religious community, than that monasticism began during the lifetime of the Apostles. The first appears from the Gospels and from the tradition of the Fathers, while the second, although sufficiently worthy of belief on the testimony of Dionysius, Philo, Eusebius and other ancient historians, is nevertheless not equally certain. It is in the same way most certain that the Apostolic College was a religious Order of Clerics, and not of monks, since it was primarily ordained for clerical ministries.

If it be argued that the whole Church was in the

beginning a sort of religious Order, when all the faithful had all things common, so that St. Bernard, speaking of his own Order, which was the monastic, says that it was the first in the Church, “nay, that from which the Church began,” we must distinguish the faithful laity in the primitive Church from the Apostles and the clergy. Although the Church of the laity had either in whole or in great part a certain monastic form, yet that was itself the offspring of a previous religious Order of Clerics, namely, the Apostles. Even if we consider the Church as one body consisting of the Apostles and other faithful, and given that it was a perfect religious Order which embraced both clergy and laity, it always remains true that the primary and principal part of it was a religious Order of Clerics.

If it is urged that the Apostles themselves were first professed religious before they were clerics—for it is most probable that they made profession during the lifetime of Christ, and in His hands before His passion, and were not made clerics until the night of the Last Supper—nevertheless their religious state was clerical from the beginning, for it was instituted and ordained to the end of preaching the Gospel, and exercising other hierarchical and sacerdotal functions; in the same way as at the present time the profession of Canons Regular, although made by many before their reception of any orders, is always a clerical rather than a monastic profession.

Hence, when St. Bernard says that his Order was the first in the Church, or that in which the Church began, he is to be understood as speaking of his Order, not as monastic, and contradistinguished as monastic from

clerical, but as generically religious, and constituted in accordance with the common idea of the state of perfection.

As to whether both states from their beginning in the Apostles, or foundation by the Apostles, were preserved by a continuous succession without interruption, it is not so certain ; but it is most probable that both states did so continue.

With regard to the monastic state, there were monks before Anthony, and it is clear that from the times of Anthony up to Basil, and from Basil up to Augustine, and from Augustine up to Benedict, and from his times up to our own there has been no failure.

With regard to the state of religious clerics, it is also certain that from the days of St. Augustine there has never been any failure in the Church, at least in the Order of Canons Regular. As to the intermediate time, from the days of the Apostles up to those of St. Augustine, all are agreed that during the time of the Apostles the Order of Clerics was spread abroad among the clergy, by Clement at Rome, by James at Jerusalem, and by Mark at Alexandria. There was afterwards a relaxation, but whether this began long or soon after the lifetime of the Apostles is not certain, while it does seem certain that the whole of the clergy did not fall away from their primitive religious state, but that at most there was a division among them, some retaining it, and others embracing a secular and less strict life. Pope Urban speaks of it as existing up to his time, which was about two hundred and twenty-four years from the birth of

Christ, and so about two hundred years before that of St. Augustine, and it is not likely that during that time it should have become extinct, although perhaps it may to a great extent have become relaxed.

VIII.—ARE THE MONASTIC ORDERS RIGHTLY AND SUFFICIENTLY DIVIDED INTO THE MENDICANT AND THE PURELY MONASTIC ORDERS ?

These two states are primarily and principally distinguished the one from the other by reason of their distinct ends. The monastic state, taken strictly, is contemplative, as we find it in the Carthusians, Benedictines, Cistercians, Camaldulense and others, and these, as having preserved their institute pure and simple, have retained autonomastically the name of *Monks*.

Mendicant monks profess the state of the mixed life, compounded partly of contemplation and partly of spiritual ministries for the benefit of their neighbours, as in the case of the Friars Preachers, Friars Minor, Eremites of St. Augustine, and the Carmelites, to whom this name was first given. In choir and in the divine office they give themselves to contemplation; while in preaching, teaching and the administration of the sacraments they have their share in action.

A second and more proper difference is this, that Monks profess individual poverty, along with possession of real property as communities, whereas Mendicants, in virtue of their Institute, embrace poverty not only as individuals but as communities. Both professions of poverty are accommodated to the proper ends of the two states

respectively. Monks, since they lead a solitary and separated life, and with a greater enclosure, cannot conveniently in accordance with their Institute live by begging; nay, since they do not minister to their neighbours they have not so manifest a cause and title for demanding support at their hands, and so rightly they do not profess poverty as communities. For this reason, the monks, during the period when for the most part they were laymen, and so long as they had no possessions for their support, lived rather by the labour of their hands than on alms; not that it was not lawful for them to beg, but because begging was not so much in accordance with their state.

Mendicants, on the other hand, inasmuch as they minister to their neighbours, may rightly live on their alms; and since they live in the midst of their neighbours, and as far as may be necessary associate with them, it is sufficiently in accordance with their end that they should beg from them.

The Mendicants may be subdivided into those who do not allow any dominion or ownership of goods, whether immovable or movable, or self-moving, either as communities or as individuals; and those who, although they do not allow real property, or revenues, may nevertheless as communities possess movable goods. The first degree of poverty or mendicancy is professed by the Friars Minor, who may be said to hold the primacy amongst Mendicants, since they profess the greatest extreme of poverty with regard to the dominion, or ownership of goods.

There are four principal and more ancient mendicant

Orders, namely, the Friars Preachers, the Friars Minor, the Eremites of St. Augustine, and the Carmelites. Others however have been added to their number from among the monastic Orders, such as, for instance, the Servites and the Minims of St. Francis de Paula, whom Pius V. declared to be Mendicants. Among the Orders of Clerks Regular, he declared the Society to be a mendicant Order.

A difference is to be observed in the reason which he assigns for this, for with regard to the other Orders he says only that there is good reason why they should be numbered among the Mendicants, because they actually beg, and because they enjoy the privileges of the Mendicants ; whereas, with regard to the Society, he says—because it cannot possess real property, but lives on uncertain alms and on the largesses and subventions of the faithful, and because, no less than the other Mendicants, the members of the Society assiduously labour in the cultivation of the vineyard of the Lord, and produce immense and salutary fruit. With regard to the Society therefore there is no question that it is as truly and properly a mendicant Order as the more ancient Orders of Mendicants ; and that not only from its Constitutions but also from its primitive Rule presented to and approved in the beginning by the Pontiff Paul III. in which it professes this kind of poverty, and promises it by solemn vow and, what is also singular, confirms it by another and special vow which is made by the Professed, that, so far as lies in them, they will never consent to any lessening of this poverty. Wherefore the Society did not then begin to be mendicant when it received

the favour from Pius V. but when it was first approved in its Institute. The Society is therefore one of the mendicant Orders, not because Pius V. declared it so to be, but he declared it so to be because it was already such; and therefore he declared it at the same time to be worthy of having granted to it all the privileges of the Mendicants, which had already in great part been granted to it, and the grant of which he completed.

IX.—HOW MANY ORDERS OF CLERKS REGULAR ARE THERE?

The state of Clerks Regular may be divided first into those who are religious absolutely, and those who are only partially religious.

A congregation of clerics living together after the manner of Regulars is not properly a religious Order; and this by reason of the absence of vows. In the case of such clerics those things which are done by religious in virtue of their vows, are done in virtue only of a social obligation or human convention, or statutes emanating from themselves; or, if in such communities vows are made they do not include an obligation of permanence in the same state, but suppose liberty to leave it, and oblige only under condition and so long as the members choose to persevere. Such clerics are not Regulars, although they more nearly approach religion than do those who make no vows; for so long as they persevere and are members of such a congregation they are bound of vow to observe poverty, chastity and obedience.

True and proper religious Orders of Clerics may be

divided into Orders of Canons, and Orders of simple Priests.

Looking to the first origin and use of the word *Canon* it appears to have signified in the beginning simply a cleric living under rule, and observing common life, after the manner of the Apostles, along with other clerics in an ecclesiastical college. The Greek word *Canon* signifies a *rule*, and so clerics who followed a regular life came to be called Canons. In the beginning of the Church all the faithful or at least all the clergy professed the common life, but in process of time many, even of the clergy, leaving the common life began to live privately and to possess property of their own, and then those of the clergy who retained the former state were, to distinguish them from the others, called *Canons*. These seem to have been kept by the bishops in immediate attendance on themselves, and employed by them in the more principal ministries and as counsellors, and they had places of greater dignity in the assemblies of the clergy. Afterwards however the Canons themselves began to forsake the common life, and to divide the canonries and prebends among themselves, still retaining however the name of Canons; and so it came to pass that those of the Canons who persevered in religious and common life were called Canons Regular. A Canonry is a spiritual right, by reason of which a Canon has a stall in the choir of some Church, and a place in the chapter. When Canons are religious, their religious character is signified by their name of Canons Regular.

Hence even a Canon who is a Regular retains the office

and spiritual right of a Canon, for this is not subversive of the substantial religious state. Just as among seculars there are clerics who are not Canons, so among Regulars there are religious clerics who are not Canons, since although they are clerics and religious, they possess no Canonries.

Those only are called Canons Regular who are attached to either a Cathedral or a Collegiate Church; other religious clerics whose church has not this dignity, but is either parochial or is simply a church, are not Canons Regular, but are simply Regular Clerks.

X.—ARE RELIGIOUS ORDERS OF WOMEN DISTINGUISHED FROM RELIGIOUS ORDERS OF MEN? AND, AGAIN, FROM ONE ANOTHER?

The last general division of religious Orders may be into Orders of men and Orders of women; for both have their place in the Church, and some distinction from each other.

It is certain that from the beginning of the Church a custom obtained of consecrating women, both virgins and widows, to God by a vow of continence. It is also certain that it was a most ancient custom to congregate women, who had been consecrated to God and who followed the way of perfection, in separate houses or monasteries.

What the institute of life and profession of women dedicated to God was in the beginning, is uncertain. It is uncertain whether it was in a proper religious state with all the vows which are of the substance of that

state, or whether it included only a vow of chastity. It is also uncertain whether the religious state was always embraced by women in monasteries and convents, or whether it was sometimes practised in private houses; and also what habit they wore, and what was their manner of life. It is most likely that there were various modes of their state, not only at different times and in different places, but also at the same time and in the same place, as is the case in the Church at the present day. Innocent II. at length ordained that nuns should live only in convents or common monasteries. In the ancient times, and when the Church had but little peace and security by reason of the persecutions and tyranny of infidel princes, many monasteries of women could not be erected; but as soon as this was possible the custom prevailed and became universal, and received the approbation of Pontiffs and Councils.

Monasteries of women were ordinarily, and almost from the beginning, annexed and subordinated to monasteries of men, and the government of them was committed to the monks but with dependence on the bishop; for the monk who was placed by the Abbot over a monastery of nuns had to be approved by the judgment of the bishop.

As the accessory follows the nature of the principal, so Orders of religious women follow Orders of religious men, and differ or vary with them. The subject therefore needs no special treatment except with regard to those matters only which are proper to nuns by reason of their sex, or which have been specially ordained by law.

As regards the *end* of a religious Order there is of course a greater diversity among men than among women. Among women, for instance, the distinction of religious Orders into Orders of laymen and Orders of clerics has no place; and therefore all Orders of women follow rather on the lines of the Orders of laymen. Again, a *mixed* life, composed partly of contemplation and partly of spiritual ministries for the salvation of their neighbours, does not belong to religious women; since not only are they incapable of orders, but, according to the Apostle, the office of teaching does not in itself belong to them. As a rule, therefore, Orders of nuns profess the contemplative and monastic life, and if they share in action it is ordinarily only in manual labour, which is also common to monks and especially to contemplatives, as morally necessary in order to bodily exercise. Another kind of action, which consists in the practice of works of corporal mercy, is not so accommodated to an Order of women that it should be embraced as their proper end and scope. Although such works may be most fitly done by women, as St. Paul says to Timothy,—“Let a widow be chosen, having a testimony of her good works, if she have educated children, if she have exercised hospitality, if she have washed the saints’ feet, if she have ministered to them that suffer tribulation, if she have diligently followed every good work” (1 Tim. v. 9, 10); yet since such works cannot be done for their neighbours without departure from the cloister, which is as a rule not expedient for religious women, the practice of them is not an end which is suited for Orders of women.*

* See note on page 86.

There is among Orders of women a variety which follows that which obtains among Orders of men. Among the Orders of women which are properly monastic, some profess the Rule of St. Benedict, are called by his name and wear his habit; while others give obedience to the Cistercian Order, under the name and with the livery of St. Bernard. The Carthusians have no sisters subject to them; either because the mode of life and enclosure and solitude of that Order is incompatible with the care of women, or because their mode of life could not be suitably adapted for women.

Not only the monastic Orders, but also the four more ancient mendicant Orders have their own proper monasteries of nuns, who are comprehended with them under the name of Mendicants. It matters not that in the profession of the mixed life, which includes spiritual ministries, they cannot be assimilated to the men of the same Order; for it suffices that in other conditions they should imitate the mendicant Order to which they are annexed. They do this primarily and principally by their profession of its Rule and obedience, along with its habit and constitutions and customs; and especially by their profession and practice of that poverty from which the name of *Mendicant* is taken.

There are also some monasteries of nuns which are subject to the Canons Regular, who profess the Rule of St. Augustine, and in a special manner imitate those Canons by means of choir, and by their care for the divine worship and service.

There are some monasteries of nuns to be found even under the military Orders, and with their habit and

insignia. Although the end of a military Order seems to be wholly incompatible with their sex, yet inasmuch as all the military Orders consist not only of knights, but partly of clerics or monks, it is possible for nuns to some extent to share their manner of life, and so to be comprehended within the Order.

Many monasteries of nuns are now subject immediately to the bishops. When the monks were exempted from the jurisdiction of the bishops, the monasteries of nuns which were subject to the monks were consequently also exempted from the jurisdiction of the bishops. Many however are subject immediately to the bishops, either because they were so founded at the first, or by reason of privilege or other just title.

Monasteries of nuns must profess and live under some one of the approved Rules, for although it is not necessary that they should live under the obedience of the regular prelates, since they may be, and many are subject immediately to the ordinary and secular prelates, yet they must necessarily profess some Rule of an Order of men, since there is no Rule which is approved by the Apostolic See for nuns only, or principally for them.

Wherefore, if any one wishes to erect a monastery of nuns, and that not under any approved Rule, it will be necessary that the idea and mode of life in such a congregation should be specially approved by the Supreme Pontiff; otherwise it might indeed be a respectable congregation of women, but it would not be a religious body, nor would there be made in it religious profession. The approbation of the bishop, which is necessary for

the erection of a new monastery in his diocese, and which of old sufficed even for the institution of a new mode of life, will not now suffice. The Institute must be either in accordance with some Rule already approved by the Apostolic See, or it must itself be specially approved by the same See.

With regard to origin and antiquity, the same is to be said of Orders of women, both in general and in particular, as of Orders of men. The one generally began along with the other. St. Basil in his Rules addresses both "*Canons* and *Canonesses*," that is, *Regulars* both men and women. St. Augustine founded his first monastery of women in Africa, in the city of Thegasta. St. Dominic founded a monastery of women at Rome. St. Francis, along with his Rule for his Friars, instituted a Rule for the Sisters of St. Clare, which Gregory IX. approved, and which Urban V. afterwards modified, and reduced to a better form, and one more adapted for women. Subject moreover to the same Order of men there may exist various institutes of religious women, as, for instance, the Order of Friars Minor has subject to it, besides the Order of St. Clare, the Order of the Conception, which professes a different Rule.

XI. — THE RECEPTION AND NOVICESHIP OF NUNS, AND THEIR PROFESSION WITH THE CEREMONY OF THE VEIL.

All that we have said with regard to the religious state, or with regard to religious in general, applies, with due proportion, to the case of nuns.

Nuns are not to be received beyond the prescribed number, and who cannot be suitably supported from the revenues or accustomed alms, unless a nun should bring with her a dowry, sufficient for her support. In this case the dowry may be reckoned amongst the alms, and afterwards also amongst the revenues of the monastery.

Authority and power to receive a nun resides in the convent itself, although there is required at the same time the leave or consent of the prelate. Since her reception is to common life and association with the nuns, reason demands that her admission should be voluntary on their part. But, on the other hand, since her reception is in a manner an act of jurisdiction, there must be the concurrence of the prelate, who is invested with proper jurisdiction.

Not only virgins but also widows may be received in the same convent; as appears from the practice of the Church, which is also most ancient. St. Augustine set a widow over the monastery of virgins which he instituted in Africa; and St. Bridget, who was a widow, instituted an Order of nuns, of which she was Abbess, although they were virgins.

If a woman has fallen from virtue, and her fall has been public and with loss of her reputation, she is not even after her repentance to be admitted to a society of virgins. For such women there has therefore been devised a special Order, called that of the Penitent Women, or the Order of St. Mary Magdalene. Of this Order there are many monasteries in Spain, which profess the Rule of St. Augustine, and live under the care and obedience of the Friars Preachers.

If however her fall has been hidden, and she has not in consequence lost her reputation, there is nothing, morally speaking, to hinder her reception; nay sometimes even if it has been public, but has occurred once only and through frailty, it might be counterbalanced by many circumstances with regard to herself personally, to her family, and to her amendment of life, so that she might without inconvenience be admitted. The refusal of such a person is after all a matter which belongs only to becomingness and respectability; she lies under no incapacity, and there is no absolute prohibition to receive her, unless it should exist in the Constitutions of any particular monastery.

After reception, probation is necessary for an entire year in the case of nuns as it is in that of monks, and the circumstances of the probation are the same. In the same way, when the period of probation has been completed, either profession is to be given, or the novice is to be dismissed, according to the law of the Council of Trent, which is common to religious of both sexes. With regard to the profession, all things, substantial and general, must be observed which have already been explained (see vol. i. p. 208). In the profession of nuns, moreover, it must be specially attended to that it should be entirely spontaneous, and with their full will, as is cautioned by the ancient canons. Hence the Council of Trent ordains that before profession nothing should be delivered to the monastery of the goods of the novice, save for food and clothing, during the year of probation—lest on account of this she should be unable to depart.

Her dowry therefore is not to be made over to the monastery before profession, but is to be placed on deposit. In case, however, of any special necessity, or greater advantage to the novice herself, then by the judgment and with the leave of the bishop, the dowry might be received by the monastery, caution and undoubted security being given for its repayment in full, and that without difficulty, in the event of the novice wishing to depart.

The Council also ordains that before her profession the bishop should examine the virgin's will, to ascertain that it is both pious and entirely spontaneous; and it adds a censure on all who either compel women to embrace, or who hinder them from embracing the religious state.

Besides the will of the novice there must be also that of the monastery, along with that of the Abbess. As regards the prelate, not only is his consent necessary, but the profession should be made in his hands, and accepted by him, because with him alone resides proper jurisdiction.

A solemnity which is observed in the profession of women is their reception of the Veil, and anciently virgins were wont also to be consecrated. There are two Veils which are worn by nuns. One is the *Veil of reception*, which is given to novices, and is commonly white. The other is the *Veil of profession* which is black, although anciently there seems to have been some variety with regard to this. It is given to all who make solemn profession, whatever may be their age or condi-

tion. This Veil signifies their spiritual espousal to Christ as His brides, and it is common both to virgins and to widows.

There is also another Veil, which is called the *Veil of Consecration*. Nuns are wont to be solemnly consecrated by certain benedictions and ceremonies, which are to be found in the Roman Pontifical; and the Veil which is then bestowed with a special benediction is called the Veil of Consecration. Several prerogatives are attached to it, one of which is that it can be given to virgins only, and not to widows. A second prerogative of this Veil of Consecration, which in virtue of its institution is, so to speak, the Virginal Veil, is that it can be given by bishops only. St. Thomas gives as the reason, that this consecration is a spiritual espousal with Christ by which is represented His espousal with His Church, as regards the incorruptness thereof; and that therefore the bishop alone, to whom is committed the care of the Church, espouses virgins not to himself but to Christ, by his veiling them as he is the paranymp of the Bridegroom.

This consecration may be committed to a priest by the Supreme Pontiff; but it is not held to be committed to bishops in virtue of episcopal *jurisdiction* alone, since it is an act of *Order* and not of jurisdiction only. Hence a bishop who has been elected and confirmed but who has not yet been consecrated, cannot exercise it; and much less can Provincials of religious Orders or other similar inferior prelates who possess episcopal jurisdiction; unless this has been granted to them by special

privilege from the Pontiff, as it has been granted to some Abbots. A bishop has not power to commit this function to a priest, since he has no power to commit to him an act of Pontifical order.

A third prerogative of this Veil is that it cannot be given save at certain fixed times, and to persons of a certain age, which has been fixed by law. Formerly it could be given only on the Epiphany or during Easter week, or on the feasts of the Apostles, unless in case of imminent peril of death, when it might be given on any day; but in the Lateran Council under Alexander III. it was granted that on all Sundays it should be lawful to consecrate virgins, and custom has extended this to all solemn feasts.

Some Doctors have taught that, although the consecration of virgins is not a sacrament, it nevertheless confers grace and remits venial sins after the manner of sacramentals. It certainly cannot confer grace *ex opere operato*, for in that case it would be a sacrament, and that it does so of special privilege has no foundation. *Ex opere operantis* grace might be increased by means of it as by means of other good works, but in this there is nothing special. So also as regards the remission of venial sins, and especially because this consecration is not wont to be numbered among those sacramentals to which that effect is attributed.

The Veil of Consecration may be given either in the religious profession itself, or afterwards; for without profession it is clear that it cannot be given, since apart

from profession there is no spiritual espousal with Christ. When therefore this solemnity occurs simultaneously with profession, then, by reason of the profession, which is an act of singular excellence, it will share in some greater efficacy for the obtaining of grace or for the remission of punishment. If, on the other hand, consecration is given by itself and separately from profession to a virgin who has been already professed, there is no such reason or foundation for any extraordinary effect, because in the mere consecration there is no such excellence of perfection, and the significance of the act will not of itself suffice, since it is not a sacrament.

XII. — THE OBSERVANCE OF NUNS, BOTH AS REGARDS THEIR SUBSTANTIAL VOWS, AND AS REGARDS SUBJECTION TO THEIR PRELATES, AND TO THEIR RULE.

Nuns are bound equally with monks as regards the substantial vows of religion, but this obligation is adapted to their state and sex. Hence either in the matter of the vows, or in matters which conduce to their observance, there are certain points which are proper to nuns, partly by way of relaxation, and partly by way of greater rigour and observance.

Two things are, in the first place, to be observed with regard to their poverty. The first is that although for some Orders of religious men that kind of poverty is judged more fitting which deprives not only the individual members, but the communities themselves of the

dominion or ownership of goods, yet this is not expedient for nuns, because their respectability and enclosure could not be so entirely and perfectly preserved unless the necessities of life were supplied to them from the monastery. Hence, although the Order of St. Clare was instituted at first with the observance of this kind of poverty, Innocent III. shortly afterwards dispensed from it, permitting however rather than prescribing that it should not be observed. Later on Urban V. decreed that the Rule should be observed without this kind of poverty. Both Pius V. and Gregory XIII. endeavoured by all means to provide that monasteries of nuns should possess somewhat for their support, so that if they stood in need of alms, these should be procured rather by the providence of their prelates than by their own solicitude and begging. Since experience however has proved that such a mode of provision is attended with many difficulties, and that every other mode of mendicancy is surrounded with dangers, it is absolutely more advisable for monasteries of nuns that they should have common revenues than that they should profess poverty as communities.

The second point, which refers to *individual* poverty, is that a custom has obtained even among sufficiently reformed nuns of its being lawful for individuals to receive every year certain moderate revenues, which they may use in order to procure necessities for themselves. This seems to have been introduced because as a rule the monasteries have not sufficient revenues to provide for all their members all things necessary in the way of

food and clothing, both in sickness and in health, nor is time given to nuns to supply the deficiency by the labour of their hands, and therefore to avoid greater inconveniences or perils this leave is granted to them. They are bound nevertheless in using it to observe the necessary rules of poverty, so that their use of goods should not be proprietary but dependent on the superior's will.

With regard to chastity, it has only to be observed that in order to its preservation the precept of enclosure is more strict in the case of nuns than it is in that of monks ; and that as decency of attire is commended to all religious, so it is specially necessary for women who are consecrated to God.

With regard to the obedience of nuns, three obligations are chiefly to be noted. The first is their obligation of obedience to their prelates ; whether their prelate be the Bishop or a Regular Prelate, as the case may be, in accordance with the profession of their monasteries ; for there can be no monastery which is not subject to some prelate, since women are not capable of ecclesiastical jurisdiction. This obligation is founded not only in the vow of obedience, but also in proper spiritual jurisdiction.

A monastery of nuns may indeed be exempt and subject immediately to the Supreme Pontiff, since this depends on his will and the privileges which have been bestowed by the Pontiffs. But this case is rare, since it is rarely expedient, and even when it occurs it is necessary that the Pontiff should appoint some one in

his place to exercise jurisdiction in things needful as regards the nuns, especially *in foro interiori*.

A second obligation of nuns is to obey the Abbess ; for this obligation is necessary in order to the government and good order of the monastery.

An Abbess does not possess proper spiritual jurisdiction, and so cannot make a proper law or impose a precept on the whole convent, by which an act should be constituted in the proper species of a special virtue, for this belongs to power of jurisdiction. Hence also a nun transgressing the precept of the Abbess in the matter of temperance, for instance, does not sin specially against the virtue of temperance, if the act is not in itself otherwise contrary to that virtue, for as is the obligation so also is the transgression, the two being correlatives.

An Abbess, however, has dominative power, that is, power to administer and rule the monastery, both persons and goods ; and in virtue of this power she can prescribe to the nuns, and they will be bound in conscience to obey her in virtue of their vow of obedience.

The third obligation of nuns is to observe their Rule and Constitutions. Even if their Statutes do not oblige under sin, the nuns can be compelled by their prelates to observance of them ; and of this their prelates should have special care in their visitations. These are made by the Bishops in monasteries which are subject to them, while in monasteries which are exempt they are made by their own proper and Regular Prelates ; except as regards matters which concern Enclosure, for these are

by the Council of Trent committed universally to the bishops.*

* Besides religious Orders of women, strictly and properly so called, that is to say, approved Orders of religious women who make solemn vows, and who are bound by the law of Enclosure, and besides the Congregations of Tertiaries who make only simple vows, and who are not bound to Enclosure, there are in the present day innumerable Congregations of religious women who in this resemble the Tertiaries. All such Congregations of religious women who live in communities without enclosure and solemn vows, and whether they are Tertiaries, Oblates, or belong to any other Institute, are known under the general name of *Conservatories*. This term was first applied to houses which were established for the preservation of the innocence of poor orphan girls, and which were generally governed by certain pious women who lived in community, under a Rule, but without enclosure or solemn vows. In course of time the name of *Conservatory* was extended to all convents of women who lived after the manner of nuns, but without enclosure and solemn vows; and this acceptation of the term is now commonly received by Canonists and by the Roman Congregations.—See Bouix, *De Jure Regularium*, tom. i., pp. 328 *et seq.*, 2d ed.

CHAPTER XV.

CERTAIN SPECIAL VARIETIES OF RELIGIOUS LIFE.

I.—WHAT WAS THE PROFESSION OF THE MONKS OF THE EAST, AND ESPECIALLY OF THOSE WHO LIVED UNDER THE RULE OF ST. BASIL.

AMONG Orders of monks the first of all was that of St. Basil. There are now scarcely any who profess his Rule in the Western Church, and although there are said to be many in the Eastern Church who still observe it, it is not clear whether this Order, as it exists in the East at the present day, is approved.

It is certain that before St. Basil there was monastic profession in the East, for Eusebius makes mention of the monks of Alexandria, and many think that the Essenes of whom Philo writes in his book on the Contemplative Life were christian monks. Cassian says, and Baronius confirms his opinion that the Egyptian monks were instituted by St. Mark.

With regard to the manner of life in those old monasteries before the time of St. Basil we have no clear knowledge in detail, but know only that it partook generally of the monastic life, so far as relates to the substantial bonds of the religious state, to the end of the contemplative life, and consequently to habitation

adapted for that life, and separated from common intercourse with men, and with a monastic habit and profession.

It is certain that both the solitary and the cœnobitic life was led before the time of St. Basil, and both probably from the beginning of the Church. Of the solitary life we have an example in Paul the Eremite, who lived a hundred years before St. Basil; and as to the cœnobitic, we learn from St. Athanasius that St. Anthony built many monasteries, in which he assembled many disciples, and taught them to lead the monastic life. But before those times Dionysius from being a monk became Pontiff, and Baronius says that he was called a monk because he at one time led a solitary life. Cassian holds that monastic profession, begun a little after the times of the Apostles, continued uninterruptedly up to those of Paul and Anthony, and that from the Cœnobites the Anchorets sprang; and he concludes that this kind of life sprang not from chance or from the necessity of avoiding persecution, but from the desire and pursuit of perfection.

After the time of Anthony there was a marvellous increase of the monastic state and, as St. Jerome tells us, a crowd of monks came daily from India, Persia and Ethiopia. From the number of Anthony's disciples who regarded him as their master in their manner of life, in their study of wisdom, and practice of virtue, and who "*philosophised*" in Egypt and Libya, and in Palestine, Syria and Arabia, Baronius says that Anthony may be rightly called the great Patriarch of all monks. His monks were in those days called *ecclesiastical philosophers*; that is, ecclesiastical persons who made the true

wisdom the object of their study. With regard to the Rule or Institute of life which he gave them we have no special documentary evidence in detail, and none save what we find in his life. With the exception of the Rule of Pachomius, no Rule older than that of St. Basil is now extant.

Not long after Anthony, that is, scarcely forty years, came Basil, who was, as he himself relates, emulous of the virtues of the earlier monks. He however reduced their manner of life to a better form, and one more in accordance with the religious state. His Institute was properly monastic, since its end was Divine contemplation, for although he requires in his monks some action, yet he always lays down prayer and contemplation as their principal end, and manual labour as necessary only in order to bodily exercise and due occupation.

The means which he proposes for this end are, in the first place, those which belong to the substance of the religious state, such as poverty, chastity and obedience, under one prelate. There is no prohibition of property to communities, but he requires the most exact individual poverty, and does not permit the religious to make the very smallest alms from the common goods without leave, and then not without great circumspection. With regard to chastity and obedience he demands the strictest observance; and a vow of these he calls a covenant and promise which cannot be violated or rescinded.

Among other special and accidental means he requires a special habit, which should be poor and simple, but he does not mention its colour or shape. With regard to

habitation, besides a dwelling separate from all men who follow only the common way of the commandments, he requires the ordinary enclosure, and permits scarcely any intercourse with seculars. As regards the mode of the observance of silence there is nothing special, but he often speaks of moderation in speech. Similarly, with regard to food, the use of flesh is not forbidden in his rules, but it is recommended that the refreshment should be simple, common and moderate, and proportionate to the necessities of each. He prescribes no fixed fasts, but leaves nearly all this to the judgment of the prelate. There is no mention of Choir or Chant or distribution of Hours, but only of prayer, both mental and vocal, which is frequently commended, along with the divine praises and recollection of the presence of God. So also with regard to other bodily austerities and acts of penance, he greatly commends them, but he does not descend to particulars and prescribe them. He speaks in the same way of bodily labour or exercise. He specially prohibits his monks from seeking the clericate, and supposes that ordinarily and in virtue of their profession they would not be clerics, although there was in their profession no incompatibility with their elevation to that state.

II.—THE INSTITUTION AND PROGRESS OF THE ORDER OF ST. BENEDICT.

About the same time that monastic life was reduced to order by St. Anthony in the East, it was introduced into the West by St. Athanasius, and from Rome as a

centre it spread rapidly to other regions of the Western world.

About A.D. 500 St. Benedict founded his Order, and gave it his Rule. He had himself received the monastic habit from a monk Romanus, who lived under the rule of Theodatus. St. Benedict does not appear to have lived in the monastery, for he was not received by Theodatus, nor was he known to him. He retreated at once to Subiaco, where he lived for a long time in a cave, known only to Romanus, who secretly supplied him with food. After a few years however he began to gather disciples, and founded the principal monastery of his Order at Monte Cassino, and erected many monasteries in Italy, and composed his Rule, which is reckoned among those which are approved by the Church. Apart from the special approbation of St. Gregory and Zachary I. it would be sufficiently approved by the general tradition and acceptance of succeeding Pontiffs and of the whole Church.

The Order instituted by St. Benedict is properly and perfectly monastic ; for its end is solely individual perfection, ordained to the divine contemplation and praise, and to be attained by the means proper to the monastic life. This is evident from the tenor of his Rule. In it that which concerns the Divine and Canonical Office and psalmody is more expressly and distinctly laid down than it is in other Rules of religious Orders which have been approved by the Church. In it, also, the works and labours of the monks are commended, and it supposes that the state is not in itself instituted in order to clerical ministries, but in order to the purely monastic life, and as that

was practised before the time of St. Benedict. So far, therefore, as regards the end and substance of religion, the Institute of St. Benedict does not appear to have differed from the ancient Institutes of the monks who existed before him or in his time; although perhaps there was some difference of habit, and a reduction of their practice to a certain Rule. It does not appear that previously all monasteries, especially in the West, observed any one Rule; but each was governed either according to its own received customs, or according to the will of the Abbot and Bishop. After St. Benedict's time, however, all the monasteries erected, either by himself during his lifetime (and they were many, for before he left Subiaco he built twelve monasteries, and afterwards founded the monastery of Monte Cassino), or by his disciples Maurus, Placidus and others, in Sicily, Gaul and other provinces, observed the same Rule and the unity of one religious Order.

It is most probable that either immediately, or a little after the institution and spread of the Rule of St. Benedict, all the monks of the West conformed themselves thereto, for we find no trace of any other beginning of this conformity.

III.—WHAT ORDERS OF MONKS HAVE SPRUNG FROM THE BENEDICTINE ORDER? AND ARE THEY DISTINCT FROM THAT ORDER?

After the institution of the Order of St. Benedict there was for a long time no new institution of a monastic Order, and during it the whole of the monasticism of

the West was that of the Benedictines. But after the year A.D. 900, and perhaps by reason of a relaxation of observance, and a consequent need of reformation, the Order began to multiply itself by means of offspring.

The first Order begotten by it was that of Cluny, founded about A.D. 913. Its distinction from the parent Order was not in the proper end of its Institute, for both professed pure monasticism and the contemplative life; nor was there a change in the Rule or in the substantial profession of the vows. As regards the habit, there may have been some change in its shape, but not in its colour, for the Cluniacs appear to have been always included among the "black monks," a name appropriated to the Benedictines. There was some difference, however, in its constitutions and observances; and by reason of this it was regarded as a distinct Order, or at least as a different family.

The second Order, not in point of time but in magnitude and renown, which sprang from that of St. Benedict, was the Cistercian Order. As regards its Institute, it had the same Rule and the same end as the parent Order, but with a greater difference in details therefrom than the Order of Cluny had from the beginning or has even now. As regards the habit, there was the striking change from black to white, and there was some difference, albeit slight, also in shape. It differed also in many of its constitutions. It has been specially approved by the Church, and endowed with many privileges, and is therefore reckoned as a distinct Order among monastic Orders. There is special and very honourable mention

made of it in the Canon Law, which forbids departure from it to other Orders, because no Order was then found more strict than the Cistercian, and departure to it from other Orders was approved as departure to a stricter Order.

This Order had from the beginning a special profession of poverty, although it never professed mendicancy, or community poverty, but only abstained by Rule from the possession of certain kinds of real property or ecclesiastical revenues, by reason of which its members might have been distracted by temporal cares, or occupied with ministries which were foreign to their profession. The Order at the first professed a greater poverty than did the other followers of St. Benedict, and than even the Order of Cluny observed, but it was not wholly incapable of possessions, or of the ownership of real property. Possession however of such goods was tempered with this observance, that the monks laboured with their hands, and tilled the ground.

The Cistercian Order had, moreover, its own government, its own prelates and congregations or chapters, and a supreme regular prelate who was head of the whole Cistercian Order.

The Congregation of the Camaldulense was founded A.D. 967, by St. Romuald, and during his lifetime was not separated as regards obedience and union from the rest of the family of St. Benedict, but differed only as regards manner of habitation, observance of silence, fasting and other austerities. It was afterwards however approved by authority of Alexander II. as a religious

family, and separated from the rest of the Benedictine Order ; since so great a diversity in manner of living could not conveniently continue within the same body and under the same government. The Camaldulese do not have a common dormitory for sleeping, or ordinarily a common refectory for eating. They each have cells which are as it were separate houses, and they assemble only on Sundays and holidays for the Divine Offices. Twelve times only in the year do they take their meals together, and during the rest of the time they observe a solitary life and silence, and give themselves to prayer and reading or manual labour. They thus very much resemble the Carthusians, and like them wear white, and abstain from flesh, although not in time of sickness, as do the Carthusians.

The Order of Vallombrosa was founded by St. John Gualbert, who was first a monk of Cluny, and afterwards came to the Camaldulese, but did not profess their Institute, because he preferred the cœnobitic to the eremitic life. After he had for some days studied the life and manners of the Camaldulese, he took his departure, and with some companions erected the monastery of St. Benedict at Vallombrosa, instituting certain observances of greater austerity, and constitutions for the more perfect keeping of the Rule. This Order at first excelled chiefly in observance of enclosure. Its habit was in shape nearly the same as that of St. Benedict, although differing in colour. It was not white, but of a neutral tint. The Order was approved by Alexander II.

There are or were several other Orders, such as the Cœlestines, Olivetans and Sylvestrines, under distinct Generals or Primatial Abbots, all derived from the Benedictine Order, and following in the main the Benedictine Rule, and differing from it only in certain observances and constitutions, and to some extent in habit.

IV.—IS THE ORDER OF THE CARTHUSIANS A PERFECT ORDER OF MONKS? ITS ORIGIN AND OBSERVANCE.

The Carthusian Order, which of all monastic Orders is accounted the most strict, by reason both of its Institute, and of its perseverance therein, for it has never relaxed its primitive rigour, was founded by St. Bruno, A.D. 1084.

It was not instituted under any of the more ancient Rules, and we do not learn what Statutes or Constitutions it received from St. Bruno himself in the beginning. We read only that he built a church in the solitude of the Chartreuse, and not far from it cells, a little separate from each other, in order that one religious should not disturb the solitude and quiet of another.

The Institute was from the first contemplative in the highest degree, and closely approached the solitary or eremitic life, although it has always to a considerable extent shared in the cœnobitic life.

In substance, and as regards its end, it was identical with the institute of the ancient monks ; and principally contemplative, with an admixture of external work or manual labour, sufficient to relieve tedium and avoid

sloth. That its external works should contribute to the spiritual advantage of its neighbours was accidental to the end of the Institute, in which even the study of letters has not of itself a place. If however any learned or cultured person entered the Order, it was not contrary to, but in accordance with the perfection of the Institute that he should occupy himself in some work or writing which was likely to be useful to his neighbour, during the time which would otherwise have been given to manual labour. The more perfect the action, and the greater the charity from which it sprang, the more was it in accordance with the Institute, not so much for any reason special to it, as for the general one of doing that which is most perfect.

This Order differs from other Institutes of monks in its Constitutions and observances, which were probably initiated by St. Bruno and afterwards in course of time brought to perfection and completed by the prelates and General Chapters of the Order.

Abstinence from flesh is observed by the Carthusians with such entirety that not for any cause or necessity, and not even in mortal sickness, is any relaxation permitted. Another principal observance of theirs is that of perpetual enclosure. The Prior of the Chartreuse, that is, the General, never passes the bounds of his desert. Others may go out with leave of the Prior General, and not otherwise; although from the time of their becoming Priors up to the Chapter General, they may go out seven times for the advantage of the House, and even to the courts of prelates or princes for the transaction of necessary business. The private monks

never go out save by leave of the Prior General, and of urgent necessity, or unless they are sent to be ordained, or to live in another monastery of their Order, or unless they are chosen as superiors, Visitor, or to go to the Chapter General, or unless the necessities of war or other similar necessities compel them.

During the greater part of their time they ought, according to their Constitutions, to remain each within his cell ; they may however go out at stated times, but within the enclosure. Outside the enclosure, but within the bounds of their desert, they go out once or twice a week, not privately but all the members of the convent together, for recreation ; and even this is for a limited time and in a religious fashion which is fixed by their Constitutions.

It is by reason of this perfect and rigorous enclosure that the Order has obtained amongst others this prerogative that departure to it from other Orders is lawful by Common Law, because of the greater security of such an enclosure and separation from intercourse with seculars, especially when it is conjoined with so great an austerity of life and perpetual contemplation of divine things.

V.—THE PREMONSTRATIENSIANS ; AND THE EREMITES OF ST. JEROME, WHO FOLLOW THE RULE OF ST. AUGUSTINE.

The founder of the Premonstratensians was St. Norbert, a man of noble family who, becoming a priest, assumed a habit which betokened poverty, and going barefooted began to preach the Word of God ; a function

for which he obtained licence and authority from Gelasius II. Pope Calixtus afterwards commended him to the Archbishop of Lyons, and by his authority he began to lead a solitary life at a place called Premontre. He subsequently collected thirteen companions, and with these he founded a religious congregation after the type of the Institute and Rule of St. Augustine. Later on, having with him forty clerics with many laymen, they all made profession according to the Apostolic institution and the Rule of St. Augustine. The Order was in the beginning one of reformed Canons Regular ; although it is not clear whether they wore the habit of those Canons, or a monastic habit.

The Eremites of St. Jerome began in Spain about A.D. 1370, when certain men assembled and led an eremitic and austere life ; and when they had increased in numbers and in sanctity, they resolved to found an Order, and to this end sent one of their number to Rome, who obtained its confirmation from Gregory XI., and along with his companion made his profession in the hands of that Pontiff, and then returning to Spain received the professions of the other brethren.

The Order bears the name of St. Jerome, not as if he were in any way its founder ; for between his times and its foundation there was an interval of nearly a thousand years, and during all that time we do not read of any Order in the Church which was called by his name ; but from the special affection and devotion of its first founders to that saint. They took him for their patron, and they strove to imitate that monastic and solitary

life which he both by his example and in his writings so much commended.

This Order professes the Rule of St. Augustine, and with the same end and manner of life, and the same habit. It is one of the chief monastic Orders, which aims principally at the contemplative life, and greatly excels in its care for the divine worship and for ecclesiastical ceremonies, and in choir and psalmody with great quiet and devotion, and the spending of much time. It is also very observant as regards enclosure and silence ; while with regard to food and clothing it observes not merely a sufficient religious modesty and mediocrity, but also an austerity. As regards all these matters it has, besides the Rule of St. Augustine, its own most excellent Constitutions, which are exceedingly well adapted to its Institute, and in the observance of them it professes a special care and rigour. Hence this Order has nearly always persevered in its primitive institution and observance, and it has had many members who were renowned for their religious spirit and practice.

VI.—IS THE ORDER OF THE FRIARS PREACHERS ONE OF THE MENDICANT ORDERS? AND WHAT WAS ITS ORIGIN AND INSTITUTION?

The Order of Preachers was founded by that great champion of the Church St. Dominic. He went with the Bishop of Toulouse to the Lateran Council, which was held under Innocent III. A.D. 1215 ; and he communicated to that Pontiff the idea of his Institute, and sought his approbation and confirmation. Innocent, although

he had the highest opinion of St. Dominic, and greatly approved of his views and desires, thought that the scheme, since it was novel and attended with difficulties, demanded more mature deliberation. He therefore sent St. Dominic back to choose, along with his companions, one of the approved Rules, to which he should adapt his Institute and mode of life, and so afterwards obtain the Apostolic benediction and approbation. This within a short time the saint did, and, with the consent of his companions, he chose the Rule of St. Augustine, and added to it certain Constitutions, derived from the Premonstratensians, and with regard chiefly to religious observance and rigour of life. This done, St. Dominic returned to Rome, assured by the promise of the Pontiff, that he would obtain confirmation of his Institute. He found Innocent just dead, and Honorius III. in possession of the see; but at his hands he met with no less grace, and at once received the fulfilment of his desire, A.D. 1216.

One of the special privileges of this Order is that it was the first of all religious Orders to receive at its commencement a solemn and authoritative written approbation. Before the Lateran Council it was not the custom in the Church to wait for such an approbation; but that Council decreed that thereafter no one should found a new Order without the special and express approbation of the Supreme Pontiff.

St. Francis also had applied to Innocent III. and that before St. Dominic; and St. Francis was the first of the two to obtain approbation of his Institute, although only *vivâ voce*; and it was not until A.D. 1223 that he received

its solemn approbation from Honorius III. In this sense are to be understood the words of Pius V. that the Order of Preachers was the first among the mendicant Orders to be approved and confirmed by the Church.

The Order of Preachers is a true and perfect religious Order, not only as regards those things which are of the substance of the religious state, but also as regards its grade or excellence as an Institute; and that whether we look to the nobility of its end, or the aptness of its means. Its end is the most excellent that can be proposed in the religious state, namely, the individual spiritual perfection of its members, and the eternal salvation of their neighbours.

So inborn in this holy Order is the purpose of the salvation of souls that it might seem at first sight as if it had been instituted solely for this end. St. Dominic was led to institute it from seeing the great losses which were suffered from day to day by the Church of Christ at the hands of heretics; and the Pontiffs, when first approving the Order, or when confirming their approbation, appropriately bestowed upon it the name of the Order of *Preachers*, which denotes its office towards its neighbours. In their grants to it of various privileges the Pontiffs have alleged as a motive,—that those Friars were destined to the office of preaching; and this end is narrated, as if it were the only one, in the Bull of Confirmation and in the Prologue of their Constitutions.

It would be certainly a great perversion if, neglecting one's own salvation, one were to aim at the salvation

of others as one's only end ; and it would be contrary to the due order of charity. Moreover, the love of one's neighbour results from the love of God, in which one's own perfection consists ; and for what reason should the salvation of one's neighbour be promoted apart from an intention of the love of God ? Every true and approved religious Order is, therefore, primarily ordained for the perfecting of its own members and subjects ; and this whether its aim extends to the perfecting of others also, or not. In the Order of Preachers many means are ordained for the perfecting of the religious themselves, such as prayers, fasting and other austerities ; and so it cannot be said that it proposes as its one end the salvation of its neighbours, and sets aside the personal perfection of its members. The salvation of its neighbours is indeed an end which is *principally* aimed at by this Order, but it is not aimed at to the exclusion of the other end, which is also a *principal* end. Both ends flow together so as to constitute one whole.

With regard to the means employed by the Order of Preachers to the end of the personal perfection of its members, besides the chastity which is common to all Orders, this Order has singular claims on the Blessed Virgin the Patroness of all chastity, for its founder introduced into the Church the world-wide devotion of her Rosary. The habit of the Order is partly white, and partly black. The white signifies purity, while the black signifies the penance which fosters purity. The Order prescribes also by Statute perpetual abstinence from flesh, and from supper for great part of the year ; while there are special regulations with regard to modesty

in sleeping, and a diligent enclosure of the common dormitory during the night. We may add to all this the devotion of the Order to study and to sacred learning, both scholastic and positive; and how much this withdraws man from temptations against chastity we may learn from St. Jerome, as we do also from experience.

With regard to poverty, although in the beginning St. Dominic and his religious family lived after the manner of the Canons Regular, with possession of goods in common, yet very soon, led by the example of St. Francis, and in the first General Chapter, over which St. Dominic himself presided, they entirely renounced even community ownership, and this with regard to every kind of goods. Since however experience has shewn the inconveniences which attach to this form of poverty, in those Orders especially which give themselves to study, preaching and the like, a dispensation was obtained by the Friars Preachers from Sixtus IV. A.D. 1475, which was afterwards extended by the Council of Trent to all Orders except that of the Friars Minor. This enables them as communities to possess perpetual revenues; and with reason, since poverty is not itself religious perfection, but is an instrument or means towards it, and is therefore to be tempered in accordance with the end which is aimed at by an Order.

The Order of Preachers, was at first therefore not a mendicant Order; it subsequently became a mendicant Order, and it did not lose this character by its return to community possession of revenues.

With regard to obedience, the matter of the vow extends to everything which does not involve sin, as

being contrary to the precepts of God and His Church, with limitation however according to the Rule and Institute. The difficulty of obedience is increased by this Order being instituted specially for the conversion of heretics, and its consequently exposing its members to dwelling, not without peril of their lives, among the enemies of the Catholic faith. It is also a sign of the subjection which is exacted by it that none of its subjects can appeal to a superior, even within the Order, from any correction however rigorous, so long as it is in accordance with the Rule.

Besides this Rule, under which St. Dominic himself in the most saintly manner lived and died, he founded two other Institutes. One was for women, and it has been adorned by not a few who were distinguished alike for their sanctity and for their nobility of birth. The other was for both men and women. It was at first called the Militia of Christ, from its having been instituted to guard the goods of the Church against unjust invaders. Afterwards, and when this was no longer necessary, it received the name of the Order of Penance, or of the Third Rule. The manner of life led by Tertiaries of this Order, although it is not essentially religious life, as appears from the Rule itself, and as in the case of the similar Tertiaries of St. Francis and St. Augustine, has nevertheless been endowed by the Apostolic See with various privileges; and it was at length, at the supplication of those who professed it, confirmed as pious and laudable by Innocent VII. and Eugenius IV.

VII. — IS THE ORDER OF THE FRIARS MINOR ONE OF THE MENDICANT ORDERS? AND WHAT WAS ITS ORIGIN AND INSTITUTION?

The saintly Order of the Friars Minor is the sister-german of the Dominican Order, and sprang into existence about the same time; and the two Orders were of old bound together by the straitest bond of charity both in their parents and in their children.

The founder of the Friars Minor was the seraphic Francis of Assisi, who after his conversion was a prodigy of singular sanctity, and a new pattern of humility and contempt of the world. This most glorious Patriarch devised and determined on the foundation of a new religious Order A.D. 1209, in the twenty-seventh year of his age, and the fifth from his conversion; for he is said to have been born in the year 1182, and to have been converted to God in the twenty-second year of his age, namely A.D. 1204. Having gathered some companions, he treated with them regarding the foundation of an Order, and wrote a Rule, and afterwards went to Innocent III. with twelve companions to beg for the confirmation of his Order. Although in the beginning he met with a repulse, the Pontiff at length, moved by a Divine revelation, granted the confirmation A.D. 1212, not solemnly indeed, and not even in writing, but *vivâ voce*. It was only as it were a permission, for the time being, of a new state of life; and yet from the date of this confirmation there was really constituted a true religious state, and Francis, with his companions,

made his solemn profession in the hands of the Pontiff, and was by him appointed General.

The principal end of this Order is the pursuit of Evangelical perfection, and at the same time the preaching of it. As soon as the saint conceived the idea of his Order he began to preach and exhort men to penance, in simple words which were nevertheless words of fire and of the greatest efficacy; and as soon as he began to have followers of his Institute, he sent them to preach, and this even before he had received the first confirmation of it from Innocent.

In a special and singular manner does this Order profess Evangelical perfection as regards poverty and Evangelical nakedness, since in virtue of its Rule it admits of no ownership, either in its individual members or in its communities. In this degree of poverty this saintly Order excels all others. It was the first to profess community poverty, and such poverty is now its singular prerogative. The Council of Trent, which enables all other religious Orders to possess goods as communities, excepts the Friars Minor, that they may observe their distinctive Rule and Institute untouched.

Hence with the greatest and a singular propriety is this Order reckoned among the Mendicants. Not only does it of Rule profess community poverty, but in the practice of poverty it observes also a special rigour.

Besides the coarseness and poverty of their habit, the Friars Minor are shod then only when necessity or infirmity compels it. They fast from the feast of All Saints up to the Nativity, and they are invited, with the inducement of a benediction, although they are not

ordered, to observe another Lent beginning from the Epiphany.

A little after the death of St. Francis, the Order obtained from Innocent IV. a dispensation from the rigidity of its poverty, and began to possess annual revenues and real property, with the ownership vested in communities, and for many years nearly the whole Order continued in this state. There never ceased however to be among the Friars Minor some who were zealous for and observers of the primitive Rule and poverty; and these separated themselves from the rest, and at last in the time of Clement VI. the whole Order was divided into two principal families. One of these retained the possession of property by communities; and was called the Order of the *Conventuals*. The other repudiated it, and was called the Order of the *Observance*. In the beginning both families were under one General Prelate, who was chosen from among the Conventuals. This continued up to the time of Leo X., when a General of the whole Order was chosen from among the Observantines, with the name of Minister-General. The Conventuals then began to elect a General of their own, who was called the Master. He possessed supreme jurisdiction, and received confirmation of his election from the Minister-General, and this by ordinance of Leo X., who in this way restored concord between the two families.

To the families of St. Francis has to be added the Order of the Capuchins, who sprang from the Observantines, and who agree with them in their community poverty, and in their observance of the Rule of St. Francis

in its entirety. They differ from the Observantines in this only that they observe it absolutely and without the Declarations, with a rougher life and coarser habit ; and this habit differs also somewhat in the shape of the hood.

This diversity does not destroy the at least specific unity of the Order, although it does interfere with its numerical unity, inasmuch as the unity of one head or General is not retained. This does not however argue imperfection in the Institute, but only shews the great difficulty of its observance. Those who have availed themselves of the dispensation to possess goods in common, have done so not from relaxation of spirit but with a good intention, and believing it to contribute to greater spiritual quiet and security. Many other mendicant Orders have judged this to be expedient for them, and they are not on that account considered to have fallen away from their perfection ; since poverty is not in itself a rule of perfection, but is valuable only in so far as it better serves towards perfection, and this as regards both the measure and the kind of poverty.

It is nevertheless true that, of the special nature of this Institute of St. Francis, a zeal for and observance of poverty in common is very much in conformity with its spirit and vocation ; and such poverty is therefore, all else being equal, to be preferred. The Council of Trent accordingly, not without a special providence of the Holy Ghost, when it gave power to all religious Orders to possess real property as communities, and this notwithstanding any Rule to the contrary whatsoever, excepted the Friars Minor, that is to say, the Capu-

chins and the Observantines, as specially called to poverty, and that even in its extreme form of community poverty.

St. Francis prescribed that his Friars should not receive money, either personally or through the intervention of a third person. This is a precept, and it belongs also to the matter of their special vow of poverty. It is to be understood, however, in this sense that they may receive an alms in money through third persons, under certain limitations, which are chiefly these;—first, that the money should be understood to remain always under the dominion of the person who gave the alms, so long as it has not been spent, and is within reach of the third person, so that it might freely be recovered; secondly, that it cannot be demanded by the Friars, or administered by them as their own property, and that they cannot exact an account of it, but must leave it to the fidelity and conscience of the depositary; thirdly, that it should be expended only for necessary uses, and that in name not of the Friars, whose money it is not, but of him who bestowed the alms, so that, if it were necessary to make a contract, the Friars should not be said to buy and give money, but only that another should do so for their use; fourthly, they are prohibited from borrowing money, even through a procurator, because by means of loan the dominion is transferred to the receiver, and an obligation of repayment rests upon him, and both things are at variance with their Rule. In a case of urgent necessity, however, if alms are lacking, the Friars may receive money through a procurator, offer-

ing in exchange their care and diligence to procure alms, so as to repay it, but this without any proper *obligation*. This is, strictly speaking, not a loan, but an alms ; burdened indeed, but not with a burden which is contrary to poverty.

The Pontifical declarations with regard to the poverty of the Friars Minor apply only to the Observantines. The Conventuals avail themselves of the greater dispensations, and possess goods in common ; while the Capuchins profess to observe the naked Rule, and renounce the Declarations ; and in this chiefly are they distinguished from the Observantines.

VIII. — THE ORIGIN OF THE ORDER OF THE EREMITES OF ST. AUGUSTINE.

St. Augustine, from the beginning of his conversion, either at his baptism or not long afterwards, professed the religious life. He narrates in his Confessions the internal warfare from which he suffered, during his deliberations while yet a catechumen, with regard to the state which he should embrace after his baptism ; whether it should be that of matrimony, to which with the interests of this world he was naturally much inclined, or that of celibacy to which as a means of perfection he was induced by the examples and sayings of the saints. He records the divine inspiration, and the wonderful vocation by which he was drawn and aided stedfastly to choose the way not only of christian, but also of perfect life. God granted to Monica more than even she had sought. She had begged for his conversion to

the faith, and God gave in addition his conversion to the pursuit of perfection.

On his return to Africa from Milan, and before he became a priest, he was already a monk; and he collected and instructed monks in a monastery which he had erected. After he was a priest he erected another monastery, in a place near to the city; his first monastery, erected by him while yet a layman, having been in the desert. He did not erect a monastery within the church until after he had become bishop, when he erected one within the episcopal residence; and he explains that this was a monastery of clerics, whereas his former monastery was a monastery of monks or laymen. He adverts also to the diversity in character between those two Institutes, for as regards the first of them, he says that the custom was not becoming of frequently entertaining guests, while he not only supposes that custom as not unbecoming in the second monastery, but he constructed that monastery for this very purpose. The life to be led in it, although it was to be religious, was not to be solitary and contemplative as in the first monastery, but it was to be adapted for hospitality and ministries to others.

The saint composed for his monks or eremites that Rule which the Church has received and approved under his name. When he afterwards instituted religious clerks or canons, he delivered to them the same Rule for their observance. With a little adaptation it was suitable for both; and, as matter of fact, we find that many Orders of both kinds, monastic and clerical, have followed his Rule.

IX. — ARE THE EREMITES OF ST. AUGUSTINE AT THE PRESENT DAY THE SAME AS THOSE OF HIS TIME IN AFRICA ? OR ARE THEY DIFFERENT ? AND ARE THEY MENDICANTS ?

The Order of Eremites of St. Augustine, which now exists, was reduced to its present form, and solemnly approved and confirmed in the time of Innocent IV. and Alexander IV.

It however remained the selfsame Order of St. Augustine that it was before ; although it was altered in several ways, for other eremites of various names were united to, and incorporated with it. Many of the Supreme Pontiffs, moreover, in granting privileges and graces to this Order, have declared that its members were true sons and successors of St. Augustine. John XXII. granted to the Eremites of St. Augustine the chief charge of his body, building a monastery at Pavia near the church in which was his sepulchre. Although there was already there a monastery of Canons Regular, he wished that there should be another monastery of the Eremites, and that the church should be common to both ; saying that it was becoming and consonant to reason that the members should be united to their head, the disciples to their master, and the sons to their father. Martin V. caused the body of St. Monica to be translated to the church of the Eremites at Rome ; and in his Bull he assigns as the reason—because they are the sons and successors of the Blessed Augustine. Clement VIII. speaks in the same way. These Pontiffs therefore held that the Institute of St. Augustine is preserved in the present Order of the

Eremites of his name ; for otherwise there would be no more reason for their being called his heirs and successors, than there is for others who profess his Rule.

We may here observe a difference between the mode of profession according to the Rule of St. Augustine in this Order, and the mode of profession according to the same Rule in other Orders ; as for instance, in that of the Friars Preachers. In the latter, obedience is promised to Blessed Dominic, according to the Rule of Blessed Augustine and the Institutions of the Friars Preachers ; whereas the Eremites, in their profession, promise obedience to God and to the *Blessed Father Augustine*, and to their superiors according to the Rule of the same father Augustine. Their promise is to St. Augustine as to their own father and founder, and it is made absolutely according to his Rule ; and there is made no mention of other constitutions, as if these did not of themselves belong to the Institute, but as if they existed only for the purpose of more perfect observance of the Rule.

This Order was anciently, and before its solemn approbation by Alexander IV. sufficiently approved by tacit approbation. This was in its case such as to be equivalent to express approbation and, so to speak, *canonization* ; as in the case of the more ancient saints, who were canonized solely by the universal tradition of the whole Church, and as in the similar case of the Orders of St. Basil and St. Benedict. The Order however acquired a new and solemn approbation when, although it was not instituted anew, it received a new form with certain alterations. All the monasteries

which before were separate, were incorporated into one body under one General Prelate, and the Order received, with regard to many points, a new mode of life. It began also from that time to be numbered among the Mendicants; for before it was regarded rather as a monastic or eremitical Order, since it lived for itself alone and not for its neighbours, and lived on its own revenues or, in default of these, on manual labour, and not on alms, and, what is chiefly to the point, by no Pontiff had it been received among the Mendicants. From that time also it was exempt, and was received under the special protection of the Apostolic See.

X.—IS THE HOLY ORDER OF THE CARMELITES ONE OF THE MENDICANT ORDERS? AND WHAT WAS ITS ORIGIN AND INSTITUTION?

An ancient and widely-received tradition derives the origin of this Order from Elias and the Prophets of Mount Carmel, by a *quasi*-hereditary succession; and from this the Order has received its name. It lends weight to this tradition that seven of the Supreme Pontiffs have so spoken of the Order, in Bulls granted in its favour, namely, Sixtus IV. John XXII. Julius III. Pius V. Gregory XIII. Sixtus V. and Clement VIII. Sixtus V. also granted that the Carmelites should venerate Elias and Eliseus as the patrons of their Institute, by celebrating feasts in their honour, and by the recitation of proper offices in memory of them.

It is certain that Elias led an eremitic life, and that to great bodily austerities he added lengthened contempla-

tion, although he sometimes by the Divine command, and for the honour of God and the salvation of his neighbours, descended from his solitude to preach and teach. It is probable that his principal permanent habitation was on Mount Carmel, and that men were wont to resort there on the Sabbath days and other holidays, as the Jews were accustomed on those days to go to the synagogues for religious purposes, to hear the Word of God from the Prophet, or to pray or to sing the Divine praises. As Elias was the author and founder of this manner of life, so was Eliseus his follower and heir, who succeeded to his spirit and office and also to his dwelling on Carmel. After the translation of Elias, the Sons of the Prophets recognised Eliseus as their head and principal Prophet, and as the successor of Elias. The manner of life of both was not so solitary and purely contemplative as to prevent their intercourse at intervals with the people; and the gift of prophecy which they possessed was bestowed upon them by God principally for this end.

[The completion of this portion of his work was hindered by the death of Suarez.]

CHAPTER XVI.

THE SOCIETY OF JESUS.

1.—ITS INSTITUTION, AND ITS INSTITUTE IN GENERAL.

I.—Is THE SOCIETY OF JESUS A TRUE RELIGIOUS BODY?
 AND WHY IS IT DISTINGUISHED BY THIS NAME OF
 —THE SOCIETY OF JESUS?

THAT the body of the Society, or the Society as a whole, is a true and proper religious body, no Catholic has denied or can deny; for if it were not a true religious body, there would be no true religious body in the Church; and to say this would be heretical. The essence of religion is not acquired by antiquity or, as it were, by prescription, but by profession of a state which tends towards perfection, and which has been approved by the Church; and this is the case of the Society. Its end is not only that its members should tend towards, or aim at perfection, but that they should also lead others, as far as may be, to the same. As a means towards this end there is made in the Society a renunciation of the world, and a special consecration to the divine service by the three substantial vows of religion, along with a true solemn profession which is made by certain of its members. As regards the Society therefore, as a whole, there can be no doubt that it is a true and proper reli-

gious body. As regards the way in which its members, other than those who have been solemnly professed, are constituted in the religious state, we shall consider hereafter.

The Society is distinguished from other religious bodies by a specific moral distinction ; as constituted under its own head or General (under, of course, the Supreme Pontiff), and as living subject to its own proper and distinct constitutions and rules. Although it is one with other religious bodies in their general end of seeking perfection, it has nevertheless this specialty that in its end it aims not only at acquiring perfection, but also at exercising it, or at communicating it to others. In its manner therefore of *acquiring* perfection it accommodates itself to the profit and salvation of others ; and it so seeks the perfection of its members that this perfection may be for the advantage of others. Hence, to this end it uses proper or, so to speak, appropriate means. Hence also it consists of members who exhibit a greater variety than do those of other religious bodies ; and it is, if one may say so, more heterogeneous ; for the end to which it is ordained requires more offices or functions, and therefore more organs of action are necessary for it than are necessary in the case of other Orders.

It was morally necessary that the Society should possess, and should have bestowed upon it a proper and special name ; for all individual things need proper names ; since otherwise it would be impossible to speak about them after the manner of men, or in human conversation.

Although, by error or colloquially, the Society has been called by various and manifold names, yet its true and only proper name is certainly that of—the Society of Jesus. The religious of the Society have in various countries been called Theatines, Inniguists, Jesuits, Jesuats, and Apostles, but in all cases without foundation or authority. The Theatines were a separate religious body, very different from the Society. They had a different founder, namely, Cardinal Peter Caraffa, afterwards Paul IV., and took their name from his episcopal see. Their Institute and mode of life was very different, although there was some external similarity between them and the Society, as for instance in their habit as Clerks Regular. Both bodies came into existence about the same time, and the common people, being in some places unable to discern the differences between them, gave the name of Theatines, with which they were already acquainted since that Order was a little older, to religious of the Society.

The name of *Inniguists* from Ignatius, which in Spanish is Innigo, was not without foundation etymologically, since religious bodies are commonly and rightly named from their founders; but it was entirely without any foundation of authority, apart from which there cannot be any true name; and this name moreover was at variance with the intention of the founder who from a motive of humility would not have his Order called by his own name.

In the name of *Jesuit*, rightly understood, there is nothing against truth or piety, Jesus being as it were the bond and centre of the Society, and its members

being, of the end of their Institute, physicians of souls of which He, as His name of Jesus by interpretation imports, is the Saviour. The Society however does not call its members by this name, either because it is not found in the Pontifical Bulls or in its Constitutions, and therefore the name has no sufficient authority in spite of common use ; or certainly in order to avoid ambiguity or equivocation, for long before the time of St. Ignatius there existed a congregation with almost the same name. The Institute of the Jesuats however was very different from that of the Society. Their life was private, and they sought only their own perfection, and probably they were not properly a religious body.

The name of *Apostles* was certainly never taken by the Society, nor was it commonly given to its members, except in Portugal and in the East Indies. It arose from the mission of St. Francis Xavier and Simon Rodriguez, undertaken at the instigation of King John of Portugal, and by command of the Supreme Pontiff, to the East Indies, before the approbation of the Society ; and was suggested by the apostolic life which they and their companions led there in such perfection.

The one true and only proper name of the Society is *The Society of Jesus*. It was the choice of St. Ignatius, and is believed to have originated from the revelation which was vouchsafed to him in the neighbourhood of Rome, when the Eternal Father shewed him His only-begotten Son carrying His cross on His shoulders, and commended Ignatius and his companions to Him, who received them under His protection, as in words He signified to the saint. The first petition to the Pontiff

for the approbation of the Society contains the words—"our Society, which we desire to be distinguished by the name of Jesus." In the Bull of general approbation, and in other Pontifical Bulls, especially in that of Julius III. following on a petition of the Fathers which expresses in the same words the same desire, although the Pontiffs are directly and expressly approving the Society itself and not its *name*, they nevertheless sufficiently commend the name which specially belongs to it; and that in two ways. They, in the first place, praise *all* things set forth by the Fathers, and consequently they find nothing reprehensible in their desire of this name; and further, they themselves *use* this name, and in this they have been followed by succeeding Pontiffs, and especially by Gregory XIII. in his Constitution *Ascendente Domino*, and also by the Council of Trent. Thus did St. Ignatius understand the mind of the Pontiffs when in the beginning of his Constitutions he wrote—"This least Congregation, which in its first institution was named by the Apostolic See the Society of Jesus." This name therefore was clearly given and confirmed to the Society by the most grave authority.

There have nevertheless been certain catholics, and those even learned men, who, seeking somewhat to blame in the first Fathers of the Society, have accused them of arrogance in taking to themselves a name which belongs to the Universal Church, and which is referred to by St. Paul when he says—"God is faithful by Whom you have been called into the *society* of His Son Jesus" (1 Cor. i. 9). But, in the first place, this name

was not *usurped* by the Society, but was borne by them with consent of the Supreme Pontiffs, and therefore those rather are to be suspected of envy and arrogance who seek to blame that in which so many Pontiffs and so great a Council found nothing blameworthy. The question was however set at rest by Gregory XIV., in his Confirmation of the Institute of the Society, *Ecclesiæ Catholicæ*, A.D. 1591, in which he says—"As regards other matters which have been called into controversy, we ordain that the name of *The Society of Jesus*, by which this laudable Order was called in its birth by the Apostolic See, and by which it has hitherto been distinguished, be perpetually in future times retained."

In the name of *Society*, taken by itself, there is nothing which savours of arrogance, but rather of humility and charity. The Fathers of the Society were unwilling, before the approbation of the Pontiff, to call their Congregation a religious *Order*, and so they used a word which was very common, and they could scarcely have found another which betokened greater moderation. Again, by no other name could they have better signified that union by the bond of charity, which was so necessary in a body the various members of which were gathered from so many nations, and the spirit of which they desired to bequeath to their posterity. The term *Society* has moreover special application both to *warfare* and to *merchandise*; and since the end and office of the Society is, besides its own union and charity, perpetually to make war against God's enemies, and to gain souls for Christ—*sub Crucis vexillo Deo militare*,

as Paul III. says in his Bull,—the Society is with the greatest propriety called by this name. The word *Society* however required some addition by way of determination. It might, and that not without reason, have been called the Society of St. Ignatius, as its founder and leader, and as the model given to it by God. But St. Ignatius wished to avoid this honour and to hide his own name. He was as far removed from arrogance as humility is from pride. Although it is our business to preserve the name of Ignatius in perpetual memory and affection, and to imitate his virtues, yet he willed *the name of Jesus* to be infixed in our hearts; and he therefore willed his Society to be distinguished not by his own name but by *the name of Jesus*.

II.—WHAT IS THE END OF THE SOCIETY?

The end of the Society is to seek not only the salvation and perfection of its members, but the salvation and perfection also of others, by the defence and propagation of the faith, and by the training of souls to progress in christian life and doctrine; as is clearly and abundantly set forth in its Constitutions and in the Bulls of the Pontiffs, and as is also evidenced by its manner of life and practice.

This end of seeking the salvation and sanctification or perfection of others is *not an accidental or secondary end* of the Society, but is its *principal* and *proper* end, not indeed as separate from its other end of acquiring its own perfection, but as it is as it were a determination of that end; or rather, there is a mutual determination

of those two ends, so that from them should flow one adequate and most perfect end.

Although all religious bodies have as their scope the perfection of charity, yet any of them may seek this perfection in a special manner, or in some proper work or ministry ; and this is, as it were, its own proper scope. Some are ordained for contemplation solely, or the praise of God ; some for this or that work in defence of the Church, or for the redemption of captives, the care of the sick and the like. If therefore a religious body may be instituted which has principally for its special end any one of these works of mercy, a religious body may certainly be instituted which should have as its end the greatest possible work of charity towards neighbours, which is the procuring of their eternal salvation. Nay, from the words of Christ this appears to have been the principal end of the religious state as it was instituted by Him. To one whom He called to perfection saying,—“ Follow Me,” and who pleaded—“ Lord, suffer me first to go and bury my father,” He answered—“ Let the dead bury their dead, but go thou and *preach the kingdom of God* ” (St. Luke ix. 59, 60). And again to Peter—“ Amen, I say to you, There is no man who hath left house or brethren or sisters, or father or mother or children or lands for My sake and *for the Gospel*, who shall not receive a hundred times as much now in this time, and in the world to come life everlasting ” (St. Mark x. 29, 30). His Apostles whom He first instituted in the religious state, He called for this reason principally that they should be *fishers of men*. Procur- ing the eternal salvation of one’s neighbour is therefore

not only a fitting end, but it is a most perfect end of the religious state.

Wherefore, although it is of the essence of the religious state that it should be a way towards perfection, and a school of perfection in which one's own individual perfection is to be acquired, so that this end of one's own perfection can never be separated from the religious state, yet there is no contradiction in its being at the same time a state of "*perfection to be exercised*" and *communicated* to others. The very work of perfecting others may be so done that it shall perfect the doer also. There is however a difference between the state of bishops, as a state of those who perfect others, and the state of religious as sharing therein. To bishops this function of perfecting others belongs *ex officio*, and so, as it were, *principally*; while to religious it belongs only *ministerially*. To bishops the power belongs *of ordinary right*; to religious only *by delegation* from the bishops or from the Roman Pontiff who is Bishop of the Universal Church.

In one who is to perfect others two things are required—power, and probity or sanctity or personal perfection. The episcopal state constitutes a man in the state of those who perfect others, by giving him power; but not by giving him probity, for this it supposes. The religious state, considered as tending towards the perfection of others, tends principally as contributing towards probity and the perfection which is necessary for so perfect an operation; and this in preparation for, and in expectation of the power from him who can confer it. St. Ignatius considered it as

the end of the Society not so much to preach or teach, as to *make men fit and ready* to preach and teach, should they be called to this ministry by the Supreme Pontiff or by a superior of the Society in his place. Hence the special vow of obedience to the Supreme Pontiff with regard to the Missions, which is made by the Professed of the Society.

The intrinsic end therefore of the Society is to *create* and *instruct* ministers who shall be so perfected that they may worthily take upon themselves the ministry of the salvation of souls at the beck and will of their superiors ; and this end is not outside the sphere of the religious state, namely, the *acquiring* of perfection, although it elevates and extends it to the further end of “ perfection to be communicated and *exercised* ” in a manner in accordance with the religious state. The Episcopal state is in itself and primarily ordained for the advantage of others, and not, in virtue of itself as it is a state, for the spiritual welfare of the individual ; for although a bishop in the exercise of his office may and ought to aim at this, yet his office itself is of its nature not for his own sake but for that of others. The religious state, on the other hand, is so ordained for the salvation of souls that in itself it regards the perfection of him who is engaged in this work, and aims at the advantage of others in such measure and manner as not to hinder but to help towards the perfection of the individual religious.

Various means of acquiring perfection are common to all or to most religious bodies ; but in every individual Order there is some one means which it specially

employs, and to which it subordinates the others. The mode of acquiring perfection in the Society consists chiefly in two things, of which the first is that it accommodates its end of the perfection of its members to the perfection of its neighbours ; and so seeks the former that it, and all the means by which it is acquired, may serve towards the latter. Meditation and contemplation, for instance, being one of the chief means of acquiring individual perfection, the Society so instructs its members in their method of meditation and prayer, that thereby they may be rendered more apt instruments for the salvation of others. Again, as regards moderation in food and clothing, the use of penance and bodily austerities, which are most useful means towards individual perfection, the Society adopts as much as may suffice for this and yet will not at the same time in any way hinder a life of labour for the welfare of others.

The mode of acquiring perfection in the Society consists, secondly, in that special culture and singular observance of obedience, for which St. Ignatius wished his companions to be conspicuous. He requires from them obedience not only in execution of the work enjoined, and in will, but also in understanding ; and this not only as do other religious bodies who profess obedience according to the measure of the Rule, but without limit so long as sin is not manifest in any order which may be given. He is content that the Society should be excelled by other religious Orders in fastings, penitential observances and other austerities, so long as it excels in obedience, and by means of it specially promotes the perfection of its members, and this in

order to procuring the profit of their neighbours. Being called to a spiritual warfare against the world and the devil, there is no virtue which is more necessary than obedience; both because by means of obedience men are specially moved by God as His instruments, and by reason of the various and difficult ministries in which the Society is engaged.

Not only is this end of procuring the salvation of others proper to the Society, in the sense that it belongs to it, but in the sense also that it belongs to it in a manner in which it does not belong to any other religious body. Clerks Regular are, of their state and condition, suited to this end, since to clerics belong those actions by which the salvation of souls is procured; but there is besides the Society no other body of Clerks Regular, which of its institute is bound to these ministries. Monks, according to their primitive institute, were intended for contemplation only, they were not as a rule clerics, and they aimed not at the perfection of others but at their own. Mendicants indeed by their Institute add to their state as monks a relation towards the salvation of others; and this is especially the case with the Order of St. Dominic, a special function of which is declared by its title—the Order of Preachers. But even in the mendicant Orders the whole weight of religion does not *principally*, but only *secondarily* and, as it were, *of abundance*, regard and fall on this end of the salvation of others. Neither the individual religious nor the superiors of those Orders are bound so to dispose their affairs or those of the Order as to minister to the

welfare and perfection of others, but do this only after internal and domestic duties have been sufficiently fulfilled. If they can then conveniently bestow somewhat on their neighbours, they ought, from perfection of charity and of the idea of their Institute, to be of service to them in spiritual things. In the Society, on the contrary, the whole weight of religion is ordained to this end, nor do superiors satisfy the obligations of their office unless they have this end always before their eyes, and unless they so regulate all things which concern religion that all their subjects may, as far as possible, give themselves to this duty. The individual religious also should keep the same end in view, and so dispose themselves that they may be fit and ready to procure it. They will not otherwise satisfy the demands of their vocation, even if they are strenuous in those matters which belong to their own individual perfection.

Further, in the Institute or approbation of no other religious body is this end so set forth as its primary end, as it is so repeatedly in the case of the Society by the words of the Pontiffs. And finally, no other religious body consecrates itself to this function by special vow. This the Society does by that special vow, by which the professed fathers bind themselves to obey the Roman Pontiff in the Missions, for the salvation of their neighbours and the defence and spread of the faith. Nor does it matter that this is done by only a part of the Society, for that part is the principal part through which the Society itself principally aims at this end; all the other parts being ordained with reference to that part, either as intended to arrive at the same grade,

or as intended to aid it in its office, and in this way all the members of the Society aim at the same end.

III.—WHAT MEANS DOES THE SOCIETY EMPLOY IN ORDER
TO THE END SET BEFORE IT?

In order that a religious Institute should be perfect, it does not suffice that it should have a most perfect end, unless it should also employ such means as are adapted for the perfect attainment of that end ; as, on the other hand, it does not suffice to the perfection of a religious Institute that it should exercise itself in the very best of works, unless these are proportioned to its own proper end.

Since the end of the Society includes two principal parts—the perfection of its *members*, and the perfection of its *neighbours*—it uses two kinds of means, those which are ordained immediately towards individual perfection (although mediately also they have reference to others) ; and those which proximately and immediately concern others, although mediately they redound to the good of those who use them.

In the first class of means—not to speak of those which are absolutely necessary in order to the essential perfection of charity, and which are common to all christians, and are contained in observance of all the precepts, and in that practice of the virtues, both moral and theological, without which charity cannot be observed,—there are those means which are common to all religious bodies in order to their attainment of the perfection of charity. Among these there are principally the acts

which belong to the three essential vows of religion, and to the internal worship of God by means of prayer and meditation, reading and other works of religion, along with what concerns the chastisement of the body, perfect abnegation of self and renunciation of the world. As regards the matter of the vows, the Society professes an exact perfection ; although some have accused her of too great rigour in certain matters, and of too little strictness in others. Although the vow of chastity, so far as its matter is concerned, does not admit of degrees, yet in the manner and perfection of its observance there may be degrees, and also a variety of means for its preservation and perfection. In these the Society abounds and excels. We find, for instance, the vigilance of superiors, and the charity of inferiors who are admonished to manifest themselves to their superiors. There is also the custody of the senses, the avoidance of sloth and of conversation with women, save with the utmost circumspection and for reasons of necessity or utility, the frequent use of the Sacraments of Penance and of the Eucharist, along with moderation of living and certain austerities according to the capabilities of the individual, and with due proportion to the end of the Society.

In the vows of poverty and obedience there may be degrees so far as their matter is concerned. With regard to this all religious bodies are not equal ; but in this the Society in no way fails of perfection. With regard to the matter of poverty, there is renunciation of proprietorship and incapability of individual dominion or ownership—the degree of poverty which

the Society embraces in all those of its members who are, so to speak, ultimately united to it—that is to say, the Professed. If this perfection is deferred for a time in the case of Scholastics, it does not diminish the perfection of the whole Order, or lessen that of the Scholastics themselves, as we shall see. The absence of proprietorship and dominion even *in common*, in which the Friars Minor rightly glory, is a poverty which is also embraced by the Society in its principal part, namely, the body of the Professed, to which the other members are subordinated. Besides this, there are other things singular and proper to the Society which increase the perfection of its poverty.

In the first place, in order to its greater stability, St. Ignatius, not content with a direct vow to observe this poverty, willed that the Professed should take another vow not to permit, as far as in them lay, any change to be made in the Society with regard to its poverty, unless by such change the poverty should be made still more strict. Again St. Ignatius was not satisfied with forbidding the Professed Houses to possess revenues, but he also forbade revenues for the maintenance of the church, sacristy or fabric, or to be held in any other way in which the Society should have the expenditure of them. Hence the Professed can have neither anniversaries nor chaplaincies, although these are not forbidden even to the Friars Minor. It does not diminish the perfection of the poverty of the Society that community poverty is not observed in the Colleges and Houses of Probation; both because the spirit and perfection of the Order as a whole is derived from its principal part—namely, from

the body of the Professed, and from the end at which it aims ; and also because the Professed Houses cannot be maintained from the revenues of the Colleges or of the Houses of Probation, and not only the Professed, but also their coadjutors, both spiritual and temporal, who live with them have to observe the same kind of poverty. If in the Colleges there is some relaxation of this rigour, it is in view of a higher end, and for a reason which is morally necessary ; and therefore, absolutely speaking, this does not diminish the perfection of poverty which is sought not for its own sake but as it is a means towards an end. With regard to actual poverty, no stipend can be received,* nor any alms by which any action or office towards a neighbour may seem to be recompensed ; nor can any one receive anything for his own use, but every one must in all matters of food and clothing depend on what is distributed in common ; and not only can no one keep anything in his own cell without leave of the superior, a regulation which is common to nearly all religious bodies, but this leave, according to the common and constant use and observance of the Society, is never or but very rarely asked or offered. Wherefore, all things sincerely considered, there is exactly observed in the Society the maxim of St. Paul—"Having food, and wherewith to be covered, therewith let us be content."

With regard to obedience, the only limit is manifest

* The reception of the customary stipends for masses is for the present permitted in various countries, for the obvious reason that, in the circumstances of those countries, to refuse them would be in invidious contrast with the necessary practice of the secular clergy, who are in many places to a great extent dependent on such sources for their support.

sin in any order which may be given ; and besides obedience of external execution with promptitude, fortitude and due humility, the Institute demands also interior resignation and true abnegation of will and judgment. Moreover, according to various constitutions of the Institute, and the proper spirit and observance of the Society, there is in it the greatest subordination of inferiors to superiors, and dependence on superiors in the smallest matters. The influence or government of the General with regard to the whole body is more immediate in the Society than in any other Order ; and there is besides the special vow of obedience which is made by the Professed to the Supreme Pontiff.

Besides these, which are, as it were, the foundations of religion, there are in the Society many other means in order to the individual perfection of its members, which may be here reduced to two heads. The first comprehends those which concern the attainment of interior devotion and purity of soul, and are principally ordained towards acquiring familiarity and union with God, wherein is the fount and origin of all spiritual increase, in which perfection substantially consists. They comprise daily reading and meditation, prayer and contemplation ; also daily, or rather twice a day, examination of conscience, with frequent and very circumspect use of confession ; accurate instruction in spiritual things and frequent consultation about the same ; and manifestation of conscience both to superiors and to others to whom this charge is entrusted. Besides this, there are the spiritual exercises, which are made

not only at entrance but every year ; frequent spiritual exhortations, and the familiar conversations on divine things which, according to the idea of the Institute, there ought to be between members of the Society.

Under the second head come all those means which are used in order to true abnegation of self and mortification of the affections.

At entrance Ours are admonished in the examen that, dead to the world and to self-love, they ought to live to Christ our Lord alone ; and that this abnegation and continual mortification in all things is, as far as possible, to be sought by them. Again, they are told that it is of great advantage to be occupied in those offices in which humility and charity are most exercised ; and they are warned that they should most diligently endeavour to guard the gates of their senses. Chiefly does the Society take care to close the way to ambition of honours and dignities ; and therefore the Professed are bound by special vow not to accept any honours or dignities outside the Society, unless acceptance should be laid on their consciences by authority ; while, as regards dignities within the Society, they may neither directly nor indirectly procure them. For the same reason, and to remove all occasion of ambition, there are no elections of superiors, with the exception of that of the General alone, which cannot be avoided, and the distribution of offices is committed to the General.

From this renunciation and self-abnegation there flows a marvellous peace, and union of minds, and fraternal charity. This with all its might the Society

endeavours to promote among its members, and places in this great part of its perfection.

With regard to the means by which the Society endeavours to procure the salvation of its neighbours, they are various and manifold. They consist partly in action, partly in privation, partly in the mode or disposition of the whole Society and of its manner of life. The first means which the Society employs may be said to be the assumption of the clerical state, and consequently every disposition which is necessary for worthily embracing that state, especially in the case of men who profess the way of perfection. 2. All sacred ministries for the purification, enlightening and perfection of others; among which the administration of the Sacraments holds the foremost place, especially the administration of the Sacraments of Penance and of the Eucharist. This is a most proper ministry of the Society, as appears from the Bulls of Paul III. Julius III. and Gregory XIII., and from the form of the Institute therein related, and from its Constitutions. To this also belongs the assistance given to the Church by means of masses offered for the conversion of infidels and the correction of heretics, and the fruit and profit of the faithful from the frequent offering of them. 3. Every ministry of the Word of God, such as public sermons or sacred lectures to the people, teaching the rudiments of the faith to children and the ruder classes, and, if necessary or useful, not only in the church, but in the streets and public places; pious private conversations in order to fraternal correction of vice, exhortation to works of virtue and the frequentation

of the Sacraments, instruction with regard to works of perfection, and inducing the faithful to the practice of them. 4. Giving the Spiritual Exercises, by means of which men are led to change their lives for the better, and to know themselves, and to think seriously of eternal things and learn how to transact the affair of their eternal salvation with God and seek it at His hands. 5. Congregations composed of men of all states and conditions, created under the rule of the Society and established by Indults of the Pontiffs; in which by many ways men are more familiarly led towards salvation. 6. Assisting the dying to make a pious and holy death. 7. All that concerns the conversion of unbelievers, whether pagans or heretics; and specially the fourth solemn vow, taken by the Professed, of obedience to the Supreme Pontiff in the Missions, and those even the most difficult, to parts of the world the most remote and nations the most barbarous, travelling if need be on alms and without money for the journey, and looking for no other emolument save the salvation of souls.

Besides those means for the welfare of others which are proximate, positive, and chiefly or formally spiritual, there are others by which the Society prepares its members for the use of these; and which are therefore spiritual relatively, or from their extrinsic relation to these.

This preparation consists in two things, namely, in life and doctrine; as St. Paul said to Timothy—"Attend to *thyself*, and to *doctrine*; be earnest in them, for in doing this thou shalt both save *thyself* and *them that*

hear thee” (1 Tim. iv. 16). Those means which regard spiritual life are the same as the means which are ordained towards individual perfection ; so those means only have here to be considered which regard the study of letters, and the acquirement or delivery of doctrine. Since the study of letters does not in itself seem to have relation to spiritual perfection of soul and to perfection of charity, for, as St. Paul says—“Knowledge puffeth up, but charity edifieth” (1 Cor. viii. 1) this study has appeared to some not to become the religious state, which is ordained for the perfection of charity. St. Thomas however replies that the study of letters is useful in all religious Orders, even in those which profess pure contemplation ; while for an Order which is ordained to procure the salvation of others, it is necessary. St. Paul speaking of bishops says to Titus, that a bishop must “embrace that faithful word which is according to doctrine, that he may be able to exhort in sound doctrine, and to convince the gainsayers” (Titus i. 9). And since the Society is principally ordained to assist its neighbours, the study of letters is most necessary for its members. For this St. Ignatius has provided with consummate prudence. Since few, if any, of those who are to be labourers in the Society are sufficiently instructed and learned at entrance, they must give themselves to learning while in religion. This does not hinder their progress in individual perfection, for, since it is of itself a good work and is moreover undertaken by obedience and from a desire to aid others, it is a work of exceeding charity. Knowledge acquired in this way does not puff up, but with charity it edifies, and begets concord. The

studies besides Theology which become religious comprehend Philosophy and Humane Letters, which are especially necessary for those who have to deal with heretics, and who should be trained and fitted to disseminate true doctrine throughout the world.

After learning there comes teaching, which is the end of learning; and in this also the Society omits nothing which can in any way be of service to its neighbours. Not to speak of preaching the Word of God, it occupies itself in teaching in the Schools the Sacred Scriptures and Scholastic Theology, also in solving cases of conscience and, if need be, taking part in controversies concerning the faith. It descends also to the teaching of liberal arts, and down even to the first rudiments of Latin. By these beginnings it reckons to arrive at greater things, nor does it count those things small without which great things cannot be. Finally, by private counsel and by public teaching, whether by word of mouth or by means of the press, it strives by all means to aid all men, aiming at nothing save the good of those who are taught, and thereby the greater glory of God.

Hence there exists in the Society a diversity of grades and persons; and this diversity may meetly be included among the means employed for the salvation of others. Not to speak of novices, whom we find in all religious Orders, there are those who, after sufficient probation and moral and spiritual instruction, are admitted to the first grade or step in the Society, and are called *Approved Scholastics*. These are made truly members of

the Society, and are incorporated into it by the three substantial vows of religion. But since, as a rule, they are not yet prepared for the clerical state, or to exercise sacred ministries for the benefit of their neighbours, they are admitted for the proximate end of their being prepared and trained for that state and those ministries by the study of letters and progress in virtue; and therefore they are admitted neither by the vows which are proper to clerics, nor by vows which are solemn and altogether absolute *on the part of the Society*. The more perfect the end and the actions which are proper to the Society, the better proved and the more perfect should those be who are absolutely and solemnly admitted to profession.

After the Scholastics have been sufficiently proved and instructed in letters, and found by experience fit and apt for exercising the ministries of the Society to its neighbours, and especially for those missions for the salvation of souls to which they may be sent by the Roman Pontiff, they, after having been ordained priests, are admitted to the last grade of the Society by true profession and four solemn vows, to which are also added certain simple vows.

But since the ministries of the Society require many gifts both of nature and of grace which are to be found not in all and perhaps in few, some priests, after completion of their studies and sufficient trial of their endowments, are admitted into the Society not as Professed Fathers, but at the same time more intimately than are the Scholastics; and this in order that according to their capacities they may aid the Professed Fathers in their spiritual ministries. These are therefore called

Spiritual Coadjutors. They do not take the fourth vow of obedience to the Pontiff in the Missions, because they are not supposed to have sufficient capacity for all the ministries which are entailed in virtue of that vow. Neither do they as a rule make solemn profession, that due order and subordination may be better preserved, and for other grave reasons; *as a rule*, we say, for sometimes certain persons are for special reasons, and by way of dispensation, admitted to profession with *three solemn* vows only, namely, the three substantial vows of the religious state.

Finally, as the Apostles said to their disciples—"It is not fit that we should leave the Word of God, and serve tables" (Acts vi. 2), so also the spiritual labourers of the Society, and those who are to be given up to study could not at the same time without great hindrance bear the burden of corporal ministries; and so a fourth grade was necessary, which is that of *Temporal Coadjutors*. These are true religious and are united to the Society by the substantial vows (which, in their case as in that of Spiritual Coadjutors, are simple), in order that their ministries may be fulfilled with greater becomingness, religiousness and charity.

Lastly, among what may be called *privative* means, as distinguished from the *positive* means which the Society employs in order to her end of the welfare of her neighbours, we find—1. *Absence of Choir*. Although the exercise of Choir is most religious, and is observed by other Orders, yet since it would too much hinder the religious of the Society, either from their studies while

engaged in these, or from the ministries to which they are afterwards destined, and especially because they ought to be ready to set out for the various missions and to journey throughout the whole world, St. Ignatius would have the Society left free from this duty. There are also certain other actions from which the Society is, by the authority of the Pontiffs, exempted, such as public processions and the like which are connected with choir and chant. 2. *Abstinence from the care of nuns*; among other reasons, in order to leave the members of the Society more free for that end at which they principally aim. 3. *No special habit*. They wear the ordinary dress of respectable clerics according to the custom of the country in which for the time being they reside; and this in order that they may have more easy access to all, whether heretics, the faithful or others. 4. *Common and ordinary living*, and moderation from too great austerity of life, in order that they may be better fitted for their special end.

IV.—HAS THE SOCIETY BEEN PROPERLY INSTITUTED AND APPROVED?

For the sanctity of its Founder and for the piety and learning of his companions, we have the testimony not only of biographers and historians but of many Pontiffs, such as Paul III. Gregory XIII. Paul V. and Gregory XV. by whom at length St. Ignatius was canonized.

The time at which the Society arose indicates, in the judgment of many wise and prudent men, an institution which was more divine than human.

Martin Luther was born in Germany in 1483, eight years before St. Ignatius, and in 1521 he began his public war against the Roman Church, disseminating innumerable heresies, especially such as should give freedom to the flesh and destroy subjection and obedience to the Supreme Pontiff, by which means he obtained innumerable followers and ministers of his blasphemy and iniquity. At this very time, when the faith seemed to be failing in so many Catholic countries, and among so many subjects of the Church, it was not without a great providence of God that there began to be opened a door and way for the true faith and the name of Christ to be carried to numberless nations of the Gentiles, in which before it had not been heard; to wit, India, both East and West, and many kingdoms and islands which had recently been explored by the piety, diligence and industry of the Catholic Kings of Spain and Portugal. God raised up St. Ignatius to found the Society for three special purposes, which are set forth in the Bull of Gregory XIII.—for the defence of the faith against heretics; for its propagation amongst pagans; and for the progress of souls in spiritual life and christian doctrine, among catholics. Most fitly therefore was the Society instituted at that time when the defence of the faith was so necessary, when its propagation was so opportune, and when the restoration and perfection of morals was of such importance.

It was not by human genius or power alone that St. Ignatius was enabled to conceive and execute so great an undertaking; the Holy Ghost was the principal

author of the Society. This the saint confesses in the beginning of his Constitutions when he says that it is—"the Supreme Wisdom and Goodness of God our Creator which will preserve, govern and promote in His holy service this least Society of Jesus, as the same has *deigned to begin it.*" This the Divine Wisdom did, enlightening St. Ignatius by a special instinct, and exciting and moving him to the work. That this was the case was the judgment also of the Supreme Pontiffs, such as Paul III. and Julius III. who speak of him and his companions as moved by the Holy Ghost; while Gregory XIII. says the same in still more explicit terms.

As God raised up Athanasius against Arius, Cyril against Nestorius, Augustine against Pelagius, Dominic and his Order of Preachers against the Albigenses, so also did He raise up Ignatius and the Society against Luther. The fall of Luther began by his conceiving an undying hatred to the Roman See, which led to his withdrawing himself and as many as he could drag with him from its obedience. It was the cardinal idea of Ignatius to consecrate himself and his to the service of the same See, and to bind and submit himself and them thereto by the new bond of a solemn vow of obedience to the Roman Pontiff.

That the Society is the work of the Holy Ghost is apparent also from its effects and fruits; and first, in the sanctity and innocence of life which God bestowed on its first members by means of their use and observance of its Institute. Even if it should be argued that this was a cause rather than an effect, it matters not, since for this cause did God bestow such sanctity that

they should be fit ministers and instruments for so great a work. 2. The same effect of virtue and purity of life, the fruit of the same Institute, was manifest in their successors. 3. A third effect was the firmness and stability of the Society in spite of innumerable persecutions; from which it suffered no loss, but came forth stronger and purified by tribulation. To the Society may be applied the words of Gamaliel—"Refrain from these men, and let them alone; for if this design or work be of men, it will fall to nothing, but if it be of God you are not able to destroy it, lest perhaps you be found to oppose God" (Acts v. 38, 39.) 4. A fourth effect was the propagation and incredible extension of the Society throughout the whole world within a brief space of time. St. Ignatius left behind him at his death a hundred Houses of the Society, distributed into twelve provinces. 5. It has been established and confirmed by the blood of many martyrs. And lastly, there are the external fruits of which Pius V. speaks when he says that by means of the Spiritual Exercises of the Society whole kingdoms have acknowledged the faith of Christ.

That the Society has been rightly approved and confirmed is manifest from the Bulls of the Pontiffs; and moreover Paul III. speaks of himself as not only confirming but *instituting* it. This he does either in token of benevolence to the Society and to do it honour, or to shew that he was the first to confirm it, or by reason of its special subordination to the Apostolic See, and because its Institute specially consists in this that it is

wholly and proximately dedicated to the service of the Supreme Pontiff, and hangs on his nod and will; and so the institution of the Society depended on the Pontiff not only as regards general approbation, but also as regards acceptance of its vow, and its tradition or delivery of itself to his service.

The approbation of the piety and sanctity of the Institute, and the declaration of Julius that—there is nothing which is not pious and holy to be found in the said Society and in its laudable institutes—has the force of an authoritative definition or declaration, which is infallible. This force however falls properly upon those matters which were set distinctly before the Pontiff; while other matters, virtually contained therein or set forth in general words, are to be understood as approved only in so far as they are absolutely necessary to the truth of those particulars which have been distinctly approved; and those matters are morally to be regarded as approved which by a moral probability are connected with these.

Not content with approving the Institute as pious and holy, the Pontiffs have also approved it as very opportune for the Church, and morally necessary as a means towards the end which is aimed at by it.

When the institution of the Society is specially attributed to the Holy Ghost, this is to be understood not only in the sense that all works of piety flow from Him; but in the farther sense that it had its origin from that *special providence* wherewith the Holy Ghost rules and protects the Universal Church.

So far as concerns the substance of the Institute,

which consists in the aiming at a certain end by certain primary and principal means, it is to be believed that St. Ignatius had not only the exciting influence and inspiration of the Holy Ghost, but also His most special direction, so that he could not stray from that which was opportune for the Church; nay also, that he had this assistance in order that he might be able to conceive and to be the architect of so magnificent a work. If any one should piously believe that this direction was by way of express revelation, he may not perhaps deviate from the truth; but, however this may be, that there was vouchsafed to him a special instinct of the Holy Ghost, by means of special gifts which were superior to ordinary virtues and aids, cannot be denied.

V.—IS THE SOCIETY IN ITSELF A RELIGIOUS BODY OF CLERICS, NOT ONLY AS REGARDS ITS HABIT, BUT ALSO IN REALITY? AND, IF SO, WHAT ARE THE CHARACTERISTICS WHICH IT CONSEQUENTLY POSSESSES?

The Society is truly and properly called and is a religious body of clerics and priests. It is so called and is declared to be so by the Council of Trent, and by many Bulls of the Pontiffs. It is so called not only by reason of its habit, but by reason of its own institute and functions; for, of its primary end, it demands actions which are proper to clerics, such as the purification, enlightenment and perfection of the faithful. It is to be distinguished therefore from those bodies which are called Orders of Clerics merely because they have re-

tained the clerical habit, although of their special aim they have no end or function for which clerical order is in itself necessary. The Society is not called a body of clerics because it wears the habit of clerics, but it wears that habit because it is in itself in a most special manner a religious body of clerics, and primarily aims at the perfecting of its members in their clerical state, and in order that they may fulfil their clerical functions more becomingly, more holily and with greater fruit.

Although some bodies of Regular Clerics have a special habit, such as the Canons Regular, yet for prudent reasons, having regard to the character of the times and the principal end of the Society, St. Ignatius willed that the Society should have no special religious habit. The heretics of his time so hated monks that their very habit was obnoxious to them, and since the Society specially desired to gain them to Christ, it would not offend them by appearing in a novel habit, that being in itself a thing indifferent. The absence of a habit, it was considered, would procure more easy access to heretics, while it would at the same time facilitate intercourse with the faithful. It was convenient also in the case of pagans that those who converted and regenerated them should resemble in outward appearance the pastors by whom they should afterwards and ordinarily be governed. With regard to the attire of the members of the Society St. Ignatius desired three things—that it should be respectable—that it should follow the custom of the country—and that it should not be at variance with their profession of religious poverty.

St. Ignatius may be said not so much to have insti-

tuted a new religious Order as to have restored that Order of Regular Clerics which, as we have seen, existed before the institution of monks, and was founded by Jesus Christ in the Apostles ; and which had as its proper end the preaching of the Gospel and the defence and propagation of the faith. As Pius IV. says in his Bull—"As they have assumed the name of Jesus, so do they strive by deed and doctrine and example to imitate our Lord Jesus Christ, and to follow in His footsteps."

VI.—DOES THE SOCIETY EMBRACE THE CONTEMPLATIVE OR THE ACTIVE LIFE?

There are three orders or species of religious life. While all aim at perfection of charity, one seeks it by way of *contemplation only*, which of itself perfects love towards God. Another seeks it by *actions* of love and mercy towards neighbours ; and since these are done for the sake of God, by this means also is charity toward God perfected. A third embraces both means, and is called the *mixed life*, as combining both contemplation and action.

There cannot be among mortal men any congregation which is so contemplative that it should not in some measure give itself also to action, and bodily exercises. On the other hand, there cannot be any congregation which is so active that it does not share in contemplation ; because without prayer and the praise of God there can be no perfect religious life.

Every religious Order does not however lead the *mixed* life, as might at first sight seem to be a necessary

consequence. An Order sometimes *aims only* at contemplation, and takes merely so much of action as is necessary either to dispose a man for contemplation, or for the relief of weariness, or for the support and refreshment of the mortal body. Such an Order is called *purely Contemplative*.

Sometimes, on the other hand, an Order *aims only* at action, and takes merely so much of contemplation as is necessary either for the perfect performance of actions, or to give to God religious and due worship. Such an Order is called *purely Active*. Each takes its name from that which is *specially aimed at* by it.

When therefore an Order aims at *both* contemplation and action *in a proper and special manner*, it is said to lead the *Mixed Life*.

This Mixed Life is led by the Society in virtue of its Institute. That it professes the active life needs no proof; but with the active life, it unites the contemplative life. Its members are spiritually educated, during their period of probation, in great part by means of exercises of the contemplative life. This is continued during the years of study, although with some relaxation as regards the length of time given to contemplation, and as regards frequency of spiritual actions. There is daily spiritual reading, which is rightly reckoned by St. Thomas among works of the contemplative life. There is daily prayer, and meditation for at least an entire hour. There is examination of conscience for a quarter of an hour twice a day. There is hearing Mass, recitation of the Rosary, and other special devotions, according to the judgment of the confessor or superior. After the

studies are ended, it belongs to superiors to take care that neither the professed, nor the formed coadjutors should either fail or exceed in their spiritual exercises. From the mode of life and providence of the Institute it is therefore manifest that in the Society those things which belong to the contemplative life have a first and principal place.

It is evident also by experience that those who profess and observe the Institute, are spiritual men, well instructed in spiritual things and given to prayer and contemplation. The faithful labourers and preachers of the Society endeavour moreover to lead seculars also to the exercise of prayer and contemplation, and to instruct them therein; and by the grace of God they have a peculiar gift of enlightening and directing men in the spiritual life, which is for the most part contemplative. Clearly, therefore, the members of the Society should, in virtue of the Institute, be contemplatives, not in some way only, but so as also to be able to make others contemplatives. Although theological science is necessary, yet without practice and experience it will not suffice. A man cannot wisely, usefully and without great peril instruct others in that which he himself has not first learned and experienced. It is true that men are only the *instruments* of the Holy Ghost, but they are living and not dead instruments; and in order that they may be apt instruments they must have both science and experience. Although the Holy Ghost may at His will make use of any instruments as He pleases, it is nevertheless, as a rule, and according to His ordinary law, His Divine pleasure to

make use of fit ministers, well disposed for their ministries. As therefore we find that by means of the Society God promotes in his Church the spirit of prayer and contemplation, we may gather that in the Society He prepares for Himself ministers who are specially fitted in order to the end of the Society.

Again, the Society is, as we have seen, principally ordained for the perfection of its members and of its neighbours. Hence we have to consider three things. First, the *personal perfection* of its *members*; which principally consists in union with God, and therefore requires contemplation. Secondly, the *perfection* of its *neighbours*; and not without deep reason is it said and many times repeated in the Bulls and Constitutions of the Society that its end is to strive not only for the correction or salvation, but also for the *perfection* of others. Hence it belongs to the Society to aid and instruct men in all things which are necessary to perfection, and among these contemplation has a principal place. Thirdly, the due order, or mutual relation of these ends; for without order no perfection, either of oneself or of others, can be attained. It belongs to due order that the minister by whom others are to be perfected should first himself be perfected. Those who endeavour to gain others should, as St. Bernard says, be “reservoirs and not mere channels.” This order was signified by Christ, in His charge to His Apostles, to remain in the city, “until they were endued with strength from on high.” The end of the Society being to beget perfect men, and perfect ministers, who should be the perfecters of others, its end must be also to make them contem-

platives. A primary end, therefore, of the Society must be *Contemplation*.

Further, the actions by which the Society *principally* exercises the active life, according to its Institute, are *spiritual*, and in themselves ordained proximately for the profit of souls. Its corporal works of mercy, such as visiting and serving the sick and prisoners, are secondary; and, although belonging to the Institute, are undertaken for the sake of, and in aid of the *spiritual* works. Although in their relation to others, such actions belong formally to the active life, yet in themselves they include and suppose the contemplative life, especially if they are to be done in a perfect manner. The *contemplative* life is therefore the *source and principle* of such actions *in their perfection*. St. Thomas, inquiring whether teaching is an act of the contemplative or of the active life, answers that, although as it regards the persons taught it is an act of the active life; yet, looking to the matter, if the doctrine is perfect and concerns divine things, it is an act rather of the contemplative life. Moreover, if hearing the Word of God is, as St. Augustine says, an act of the contemplative life, as in the case of Mary Magdalene who sat at the Lord's feet; why not rather *teaching* the Word of God, since hearing or learning is, after all, not so much active as receptive? In spiritual actions which include the teaching of divine things, such as not only public sermons and lectures, but also private intercourse, instructions and conversations, the active life cannot be severed from the contemplative life, but is a legitimate part thereof; for then is doctrine rightly and efficaciously delivered, when it proceeds from divine

internal contemplation. Especially is this the case with regard to the Spiritual Exercises.

It matters not that those spiritual actions should be sometimes done by men who are little if at all exercised in contemplation ; for we are not now considering those actions as done by this or by that man, but as they *ought* to be done *in virtue of the Institute*. So done, they should be the *fruit of contemplation*, which will be, as it were, their *life and soul*, and then will they be perfect and efficacious to the end of the Institute ; whereas otherwise they will be inefficacious and, so to speak, dead, so far, that is to say, as the ministers are concerned, for we may not exclude the efficacy of the Holy Ghost in His works, whatever instruments He may use.

Finally, the Society is a *religious body of priests*, and therefore is, as such, ordained to works of *the contemplative life*. There are two kinds of works which belong to the priesthood. The first and principal kind comprehends those which concern the divine mysteries and the Body of Christ. The other consists of those spiritual actions which are ordained for the salvation of men, and concern the *Mystical* Body of Christ. Since the latter actions suppose the first kind of actions, a religious Order which is intended for the perfecting of priests *as priests*, should aim primarily at perfecting them in order to the first kind of actions. Further, since these actions may be separated from the second kind of actions, a religious body of clerics might very well be instituted to perfect priests in them, without regard to the other actions which concern one's neighbour. Such a body would be

contemplative, as is the Order of Canons Regular. But the second kind of actions cannot, on the contrary, be separated from the first; and therefore a religious body cannot properly be instituted in order to perfect priests in their actions with regard to their neighbours, without its being much more intended to perfect them in those actions which immediately concern God and the divine mysteries. Since the Society has been instituted by special instinct of the Holy Ghost, and has been approved for the perfecting of priests *as priests*, and extends itself to the perfecting of them *in their sacerdotal actions* towards their *neighbours*, it all the more aims at perfecting them in all things which concern the divine mysteries, and the due fulfilment of these mysteries forms a principal part of the contemplative life.

It may be asked, How can so much action as the Society professes be compatible with perfect contemplation? In the first place, this is not impossible with the aid of the Divine grace; and although it may seem difficult, perfect virtue has nevertheless to do with difficulties, and these by the providence of religion and its perfect institution, along with the grace of vocation, may be overcome. No one can live piously, not to say perfectly, in accordance with his state, without a special grace of God. It is moreover piously to be believed, or rather, it is morally certain that God gives to *every* religious body *a special grace*; and that He communicates this to all who are called by the Holy Ghost to incorporation into that particular body, in order that they may be enabled to accomplish the end of its Institute. Hence St. Paul

says—"Of this Gospel I am made a minister, according to the gift of the grace of God, which is given to me according to the operation of His power; to me, the least of all the saints, is given this grace, to preach among the Gentiles the unsearchable riches of Christ, and to enlighten all men what is the dispensation of the mystery which hath been hidden from eternity in God" (Eph. iii. 7-9). This also God signified to Moses, who perceiving his incapacity would have excused himself from his ministry, when He said to him—"I will be with thee." Since all approved religious bodies are rightly regarded as instituted by a special providence of God, it cannot be doubted that for each has been prepared a special grace of God proportioned to its vocation; and therefore a greater grace, in proportion as the Institute is more difficult, more to the service and glory of God, or more for the welfare of His Church.

Gregory XIII. gives testimony to the grace of vocation which belongs to the Society. He says that—"As the end of the Society is the propagation and defence of the faith, and the progress of souls in christian life and doctrine, so also is it proper to *the grace of its vocation* to traverse divers places by direction of the Roman Pontiff or of the General." Since this may be more difficult and perilous for others, he specially attributes it to the grace of vocation. In like manner, if there should be difficulty in uniting the perfection of the active life with the perfection of the contemplative life, this may be overcome by the grace of vocation.

But, if we regard attentively what we have already

considered, there does not appear to be in this matter so much difficulty, since the principal actions of the active life of the Society are so conjoined with the contemplative life, that both together, like body and soul, form one living whole.

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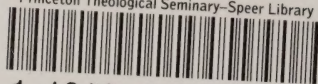
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